

Journals

of the

Florida

House of Representatives

Volume III



Continuation of Regular Session, 2001
May 3 through May 4, 2001

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Volume III

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MEMBERS OF THE HOUSE OF REPRESENTATIVES
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Jefferson B. “Jeff” Miller, Chumuckla
2. *Part of* **Escambia**
Jerry Louis Maygarden, Pensacola
3. *Part of* **Escambia**
Anna Holliday “Holly” Benson, Pensacola
4. *Parts of* **Escambia, Okaloosa, Santa Rosa**
Jerry G. Melvin, Fort Walton Beach
5. **Holmes, Washington and parts of Okaloosa, Walton**
Donald D. “Don” Brown, DeFuniak Springs
6. *Part of* **Bay**
Allan G. Bense, Panama City
7. **Calhoun, Gulf, Jackson, Liberty and parts of Bay, Gadsden, Leon, Walton**
Bev Kilmer, Quincy
8. *Parts of* **Gadsden, Leon**
Curtis B. Richardson, Tallahassee
9. *Part of* **Leon**
Loranne Ausley, Tallahassee
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Will S. Kendrick, Carrabelle
11. **Columbia, Hamilton, Lafayette, Madison, Suwannee and parts of Dixie, Gilchrist**
Dwight Stansel, Wellborn
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Aaron P. Bean, Fernandina Beach
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Mike Hogan, Jacksonville
14. *Part of* **Duval**
Terry L. Fields, Jacksonville
15. *Part of* **Duval**
E. Denise Lee, Jacksonville
16. *Part of* **Duval**
Mark Mahon, Jacksonville
17. *Part of* **Duval**
Stan Jordan, Jacksonville
18. *Parts of* **Duval, St. Johns**
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19. *Parts of* **Clay, Duval, St. Johns**
Dick Kravitz, Jacksonville

District

20. *Parts of* **Clay, Flagler, St. Johns, Volusia**
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Joe H. Pickens, Palatka
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23. *Parts of* **Alachua, Marion**
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26. *Parts of* **Flagler, Lake, Volusia**
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27. *Part of* **Volusia**
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28. *Part of* **Volusia**
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31. *Part of* **Brevard**
Mitch Needelman, Melbourne
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40. *Part of* **Orange**
Andy Gardiner, Orlando
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Randy Johnson, Celebration

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Nancy Argenziano, Dunnellon
44. ***Parts of Hernando, Lake, Pasco, Polk, Sumter***
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45. ***Parts of Hernando, Pasco***
Mike Fasano, New Port Richey
46. ***Part of Pasco***
Heather Fiorentino, New Port Richey
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Rob Wallace, Tampa
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Larry Crow, Palm Harbor
50. ***Part of Pinellas***
Kim Berfield, Clearwater
51. ***Part of Pinellas***
Leslie Waters, Seminole
52. ***Part of Pinellas***
Frank Farkas, St. Petersburg
53. ***Part of Pinellas***
Charlie Justice, St. Petersburg
54. ***Part of Pinellas***
John Carassas, Belleair
55. ***Parts of Hillsborough, Manatee, Pinellas***
Frank Peterman, Jr., St. Petersburg
56. ***Part of Hillsborough***
Sandra L. "Sandy" Murman, Tampa
57. ***Part of Hillsborough***
Chris Hart IV, Tampa
58. ***Part of Hillsborough***
Bob "Coach" Henriquez, Tampa
59. ***Part of Hillsborough***
Arthenia L. Joyner, Tampa
60. ***Part of Hillsborough***
Sara Romeo, Lutz
61. ***Parts of Hillsborough, Pasco***
Kenneth W. "Ken" Littlefield, Dade City
62. ***Part of Hillsborough***
Johnnie B. Byrd, Jr., Plant City
63. ***Part of Polk***
Dennis A. Ross, Lakeland
64. ***Part of Polk***
Paula Bono Dockery, Lakeland

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65. ***Part of Polk***
Marsha L. "Marty" Bowen, Haines City
66. ***Parts of Hillsborough, Polk***
JD Alexander, Lake Wales
67. ***Parts of Hillsborough, Manatee, Sarasota***
Michael S. "Mike" Bennett, Bradenton
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Mark G. Flanagan, Bradenton
69. ***Part of Sarasota***
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Nancy C. Detert, Venice
71. ***Parts of Charlotte, Sarasota***
Jerry Paul, Englewood
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Lindsay M. Harrington, Punta Gorda
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Bruce Kyle, Fort Myers
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Jeffrey D. "Jeff" Kottkamp, Cape Coral
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J. Dudley Goodlette, Naples
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Joseph R. "Joe" Spratt, LaBelle
78. ***Parts of Highlands, Martin, Okeechobee, Palm Beach, St. Lucie***
Richard A. Machek, Delray Beach
79. ***Parts of Okeechobee, Osceola***
Frank Attkisson, Kissimmee
80. ***Parts of Indian River, St. Lucie***
Stan Mayfield, Vero Beach
81. ***Parts of Martin, St. Lucie***
Gayle B. Harrell, Stuart
82. ***Parts of Martin, Palm Beach***
Joe Negron, Stuart
83. ***Part of Palm Beach***
Jeffrey H. "Jeff" Atwater, North Palm Beach
84. ***Part of Palm Beach***
James "Hank" Harper, Jr., West Palm Beach
85. ***Part of Palm Beach***
Lois J. Frankel, West Palm Beach
86. ***Part of Palm Beach***
Susan Bucher, Lantana
87. ***Part of Palm Beach***
William F. "Bill" Andrews, Delray Beach

District

88. *Part of Palm Beach*
Anne M. "Annie" Gannon, Delray Beach
89. *Part of Palm Beach*
Irving L. "Irv" Slosberg, Boca Raton
90. *Part of Broward*
Mark Weissman, Parkland
91. *Parts of Broward, Palm Beach*
Connie Mack, Fort Lauderdale
92. *Part of Broward*
John P. "Jack" Seiler, Wilton Manors
93. *Part of Broward*
Christopher L. "Chris" Smith, Fort Lauderdale
94. *Part of Broward*
Matthew J. "Matt" Meadows, Lauderhill
95. *Part of Broward*
Ron L. Greenstein, Coconut Creek
96. *Part of Broward*
Stacy J. Ritter, Coral Springs
97. *Part of Broward*
Nan H. Rich, Weston
98. *Part of Broward*
Roger B. Wishner, Sunrise
99. *Part of Broward*
Timothy M. "Tim" Ryan, Dania Beach
100. *Part of Broward*
Eleanor Sobel, Hollywood
101. *Parts of Broward, Dade*
Kenneth Allan "Ken" Gottlieb, Hollywood
102. *Parts of Collier, Dade*
Rafael "Ralph" Arza, Hialeah
103. *Part of Dade*
Wilbert "Tee" Holloway, Miami

District

104. *Part of Dade*
Frederica S. "Freddi" Wilson, Miami
105. *Part of Dade*
Sally A. Heyman, North Miami Beach
106. *Part of Dade*
Dan Gelber, Miami Beach
107. *Part of Dade*
Gustavo A. Barreiro, Miami Beach
108. *Part of Dade*
Phillip J. Brutus, Miami Shores
109. *Part of Dade*
Dorothy Bendross-Mindingall, Miami
110. *Part of Dade*
Rene Garcia, Hialeah
111. *Part of Dade*
Marco Rubio, Coral Gables
112. *Part of Dade*
Mario Diaz-Balart, Miami
113. *Part of Dade*
Manuel Prieguez, Miami
114. *Part of Dade*
Gaston I. Cantens, Miami
115. *Part of Dade*
Renier Diaz de la Portilla, Miami
116. *Part of Dade*
Annie Betancourt, Miami
117. *Part of Dade*
Carlos A. Lacasa, Miami
118. *Part of Dade*
Edward B. "Ed" Bullard, Miami
119. *Part of Dade*
Cindy Lerner, Miami
120. *Monroe and part of Dade*
Ken Sorensen, Key Largo

OFFICERS OF THE HOUSE OF REPRESENTATIVES

Speaker—Tom Feeney

Speaker pro tempore—Sandra L. "Sandy" Murman

Clerk—John B. Phelps

Sergeant at Arms—Earnest W. Sumner



The Journal OF THE House of Representatives

Number 23

Thursday, May 3, 2001

The House was called to order by the Speaker at 10:00 a.m.

Prayer

The following prayer was offered by Pastor James H. Brown of Miracle Prayer Temple Inc. of Fort Pierce, upon invitation of Rep. Machek:

Almighty God, the Creator of all heaven and earth, Thou, O Lord, full of grace and compassion, humbly we enter Your presence with thanksgiving, honor and glory. We bless Your name for Your goodness toward all mankind. We give You thanks for this day, for in Your word You have encouraged us to rejoice and be glad in it. We thank You for Your tender kindness, Your grace and mercy that's new to each of us daily. Father, we thank You for Your promise to hear and answer the prayers of Your children. Let health and peace be our portion. Let righteousness and holiness dwell forever in our hearts and be expressed in our actions that we may delight in the service where we've been called. It is our earnest plea today that You would draw all men unto Thyself and to one another by Thy great love. That You would bless our country that it may be ever a stronghold of peace, that You would bless our state that it will be united, and that You would grant wisdom to her governing body that the decisions made would be for the betterment of all mankind. Endow our lawgivers with a right understanding and a pure purpose; enable them to focus on what is good for all the people they represent. You, Lord, are our refuge and strength, a very present help in trouble. May Your blessings, Lord, rest upon all people, for it is to Thee that we lift up our eyes, in Thee, my God, the Father of mercies, do we put all our trust. Be merciful unto us and bless us and cause Your face to shine upon us. In His name we pray, Amen.

The following Members were recorded present:

Session Vote Sequence: 391

The Chair	Berfield	Dockery	Harper
Alexander	Betancourt	Farkas	Harrell
Allen	Bilirakis	Fasano	Harrington
Andrews	Bowen	Fields	Henriquez
Argenziano	Brown	Fiorentino	Heyman
Arza	Brummer	Flanagan	Hogan
Attkisson	Brutus	Frankel	Holloway
Atwater	Bucher	Gannon	Jennings
Ausley	Bullard	Garcia	Johnson
Baker	Byrd	Gardiner	Joyner
Ball	Carassas	Gelber	Justice
Baxley	Clarke	Gibson	Kallinger
Bean	Crow	Goodlette	Kendrick
Bendross-Mindingall	Cusack	Gottlieb	Kilmer
Bennett	Davis	Green	Kosmas
Bense	Detert	Greenstein	Kottkamp
Benson	Diaz-Balart	Haridopolos	Kravitz

Kyle	Melvin	Romeo	Spratt
Lee	Miller	Ross	Stansel
Lerner	Murman	Rubio	Trovillion
Littlefield	Needelman	Russell	Wallace
Lynn	Negron	Ryan	Waters
Machek	Paul	Seiler	Weissman
Mack	Peterman	Simmons	Wiles
Mahon	Pickens	Siplin	Wilson
Mayfield	Prieguez	Slosberg	Wishner
McGriff	Rich	Smith	
Meadows	Richardson	Sobel	
Mealor	Ritter	Sorensen	

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

A quorum was present.

Pledge

The Members, led by Marianne L. Smokay of Orlando, Kristina M. Torpy of Melbourne, Ansley Wales of Lake Alfred, Elizabeth A. Webster of Orlando, and Sarah Wirgau of Tallahassee, pledged allegiance to the Flag. Marianne L. Smokay served at the invitation of Speaker Feeney. Kristina M. Torpy served at the invitation of Rep. Lacasa. Ansley Wales served at the invitation of Rep. Bowen. Elizabeth A. Webster and Sarah Wirgau served at the invitation of Speaker Feeney.

House Physician

The Speaker introduced Dr. Richard L. Bucciarelli of Gainesville, who served in the Clinic today upon invitation of Rep. Kendrick.

Correction of the *Journal*

The *Journal* of May 2 was corrected and approved as corrected.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 306; passed CS for SB 658; CS for CS for SB 784; SB 850; CS for SB 886; and SB 958, as amended; passed CS for SB 1128; passed SB 1394, as amended; passed CS for SB 1506; passed CS for SB 2054, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Criminal Justice and Senators Clary and Smith—

CS for CS for SB 306—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim's parent, guardian, next of kin, or lawful representative be

notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim's parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a victim's parent, guardian, or representative be allowed to be informed, present, and heard in a criminal or juvenile proceeding; requiring that a crime victim or witness be informed of the address confidentiality program; requiring notice when an inmate is approved for community work release; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; prescribing standing of certain persons to assert a victim's rights; amending s. 921.143, F.S.; prescribing the right of the parent or guardian of a minor victim, or the lawful representative of any of them, to appear and make a statement at a sentencing hearing; amending s. 944.606, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, the lawful representative of any of them, or the next of kin of a homicide victim when a sexual offender is being released; amending s. 948.10, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, or the next of kin of a homicide victim when an offender is placed on community control; amending s. 960.28, F.S.; prohibiting a medical provider who performs an initial forensic examination from billing the parent or guardian of a minor victim for that examination; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission; providing for governance of the commission; providing for a State Council for Interstate Adult Offender Supervision; providing for membership of the state council; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term "state" for purposes of the compact; creating s. 949.072, F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the "Interstate Compact for Adult Offender Supervision"; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Holzendorf—

CS for SB 658—A bill to be entitled An act relating to insurance; amending s. 624.610, F.S.; updating a cross-reference; creating s. 625.011, F.S.; defining the term "statutory accounting principles"; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining the financial condition of an insurer; amending s. 625.041, F.S.; revising a provision concerning liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in the valuation of real property; amending s. 625.322, F.S.; revising requirements for collateral loans; creating s. 641.183, F.S.; providing a transition selection for statutory accounting principles; amending s. 641.19, F.S.; redefining the terms "reporting period," "statutory accounting principles," "surplus," and "surplus notes" for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; redefining certain assets or liabilities in the determination of the financial condition of a health maintenance organization; providing applicability; amending ss. 626.916, 626.918, 626.921, 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, 626.938, F.S.; revising certain requirements for surplus lines

insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department of Insurance; revising limits on fees that may be charged with respect to certain policies certified for export; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing a retroactive effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committees on Agriculture and Consumer Services, Commerce and Economic Opportunities and Senators Geller, Crist, and Wasserman Schultz—

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 400.93, F.S.; exempting providers of home medical equipment operated by the Department of Health from certain licensure requirements; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term "agency"; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing for severability; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for

purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; 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 ch. 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 an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing effective dates.

—was read the first time by title and referred to the Calendar of the House.

By Senator Burt—

SB 850—A bill to be entitled An act relating to state facilities; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Judiciary and Senator Klein—

CS for SB 886—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to a specified condition; providing immunity from criminal and civil liability for physicians making a determination of incapacity to manage property under certain conditions; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By Senator Sullivan—

SB 958—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; provides for electronic submission; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Health, Aging and Long-Term Care and Senator Latvala—

CS for SB 1128—A bill to be entitled An act relating to medical treatment; creating the “Access to Medical Treatment Act”; authorizing a licensed physician to treat an individual for a life-threatening illness or condition by means of an investigational medical treatment authorized by the individual or the individual’s legal representative; specifying acts and disclosures that are required before a physician may provide such treatment; providing that investigational medical treatment provided in compliance with the act does not constitute

unprofessional conduct; providing that the act does not modify the scope of practice or the provisions of the practice act of licensees; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By Senator Cowin—

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Governmental Oversight and Productivity and Senator Garcia—

CS for SB 1506—A bill to be entitled An act relating to the Florida Retirement System; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Service System; eliminating a provision that makes investigators of the Medicaid Fraud Control Unit ineligible for membership in the Special Risk Class of the system; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Education and Senators Sebesta and Webster—

CS for SB 2054—A bill to be entitled An act relating to the designation of university buildings and facilities; designating the new instruction and research building at Florida Atlantic University’s College of Nursing the “Louis and Anne Green Alzheimer’s Research Center”; designating the Florida Atlantic University Dania Beach Campus facility the “Kenneth C. Jenne Building”; designating the observatory at Florida Gulf Coast University the “Evelyn L. Egan Astronomical Observatory”; designating the student and educational center at Florida Gulf Coast University the “Sugden Welcome Center”; designating the building at the Women’s Soccer and Softball Complex at Florida State University the “Mary Ann Stiles and Barry Smith Team Building”; designating Building 146 at Florida State University, known as the Molecular Biophysics Building, the “Kasha Laboratory”; designating the University of Central Florida’s School of Hospitality Management the “Harris Rosen School of Hospitality Management” and the facility that houses said school “Rosen Hall”; designating the new educational program facility at the Florida Museum of Natural History at the University of Florida the “William W. and Nadine M. McGuire Hall”; designating the new alumni center at the University of Florida the “Emerson Alumni Hall”; designating the new accounting building at the University of Florida’s Warrington School of Business the “Gary R. Gerson Hall”; designating the women’s gymnasium at the University of Florida the “Kathryn Chicone Ustler Hall”; designating the marine science complex at the University of South Florida’s St. Petersburg Campus as the “C.W. ‘Bill’ Young Marine Science Complex”; designating the science research building at Florida Agricultural and Mechanical University as the “Frederick S. Humphries Science and Research Center”; designating the new honors college building at the University of Central Florida as the “Burnett Honors College”; naming the law school at Florida International University the “Rafael Diaz-Balart Building”; authorizing the erection of suitable markers; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

The Honorable Tom Feeney
Speaker, House of Representatives

May 2, 2001

Dear Mr. Speaker:

Pursuant to Special Rule 01-15, your Procedural & Redistricting Council herewith submits as a Special Order Calendar for Thursday, May 3, 2001.

- I. Consideration of the following bill(s):
 - SB 1162—Sebesta
 - Florida Prepaid College Program
 - CS/CS/SB 1346—Saunders
 - Behavioral Health Care Services
 - CS/SB 1012—Garcia
 - Energy Performance Savings
 - CS/CS/SB 2092—Sanderson
 - Health Care
 - CS/SB 2034—Latvala
 - Rural Electric Cooperatives
 - SB 2240—Garcia
 - Warranty Associations/Motor Vehicles
 - CS/SB 890—Campbell
 - Mortgages
 - CS/SB 788—Silver
 - Unfair Discrimination/Insurance
 - CS/SB 2110—Silver
 - Medicaid Services
 - CS/SB 2220—Posey
 - Governmental Data Processing
 - SB 1148—Crist
 - Corrections
 - CS/CS/SB 158—Brown-Waite
 - Enterprise Zones
 - CS/SB 208—Geller
 - Consumer Protection
 - CS/CS/SB 248—Saunders
 - Domestic Violence
 - CS/SB 302—Pruitt
 - Higher Educational Facilities
 - SB 304—Pruitt
 - Deferred Compensation Programs
 - CS/SB 322—Geller
 - Disposition of Offenders
 - CS/SB 354—Miller
 - Civil Rights/Complaints
 - CS/CS/SB 374—Carlton
 - Elderly & Disabled/Public Guardians
 - CS/SB 424—Jones
 - Retired Judges or Justices
 - CS/SB 444—Latvala
 - Offenses Against Children
 - SB 532—Posey
 - Outcome-Based Total Accountability
 - SB 536—Bronson
 - Demineralization Concentrate
 - SB 648—Garcia
 - Alcoholic Bev./Students/Curriculum
 - SB 666—Sullivan
 - Physician Assistants
 - SB 672—Mitchell
 - Indigent Hospital Patients
 - CS/SB 780—Dawson
 - Parental Consent/Medical Treatment
 - CS/SB 828—Dyer
 - Public-Sector Employee/Health Safety
 - CS/SB 840—Saunders
 - Public Records/Health/Financial Info
 - CS/CS/SB 912—Villalobos

- Criminal Rehabilitation
- CS/SB 992—Carlton
 - Dental Service Claim Denials
- CS/SB 1190—Sullivan
 - Higher Education
- SB 1198—Webster
 - Crimes/Using Two-way Communications
- CS/SB 1210—Latvala
 - Health Insurance
- SB 1212—Webster
 - Special Assessments/Mobile Home Park
- CS/SB 1260—King
 - Financial Institutions
- SB 1412—Posey
 - Child Safety Booster Seat Act
- CS/SB 1576—Carlton
 - Ad Valorem Tax Administration
- SB 1644—Smith
 - Schools/Teachers & Administrators
- SB 1840—Clary
 - David Levitt School Anti-Hunger Act
- CS/SB 2042—Bronson
 - Pest Control Operators
- SB 2104—Crist
 - Hiring or Leasing Personal Property

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
Johnnie B. Byrd, Jr.
 Chair

On motion by Rep. Goodlette, the above report was adopted.

Motion

On motion by Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, the rules were waived and the Clerk was given discretion to determine the most appropriate time and date for spreading the following remarks upon the *Journal*.

Statement of Legislative Intent on CS/HB 277

Rep. Wilson: Representative Atwater, what is the liability of a school district that cannot find a direct match in their student database for a student deemed to be a Learnfare participant, according to the Department of Children and Families?

Rep. Atwater: Representative Wilson, there is no liability to the school. The school's only role is to participate in providing its absentee rolls to the Department of Children and Family Services. DCF's responsibility is for the match.

Rep. Wilson: You spoke of required conferences. Can parental conferences held for purposes other than Learnfare be counted against that requirement or for the requirement?

Rep. Atwater: Again, very, very good question. The answer to that would be, yes. We just want parental involvement; and if parental involvement was coming to school for another purpose in finding out how the student is doing, that's what we're looking for.

Rep. Wilson: It has been my experience that many guardians wait until the end of the semester to schedule the conference. Is there a penalty for that, Representative Atwater?

Rep. Atwater: The answer to that would be that I don't think it would be our place to try to come up with a remedy from the state level; but I do think it would certainly be our intent that this conference can be by phone or in person. And we would want the school to be extraordinarily flexible in working with the guardian that may be having difficulty making the conference. But I really see that as the responsibility of the guardian or the parent to be sure that the conference takes place. Now I hate to say this, but I do think it would

take missing one conference and going into a suspension of cash assistance. And I don't think that delay would happen a second time.

Rep. Wilson: I'm concerned because there are parents participating in this project and their children have become ungovernable or uncontrollable. And I'm concerned that a mother or a single parent or a grandmother, even, will lose their cash assistance because that child will not go to school, even though the parent tries as hard as they can.

Rep. Atwater: Thank you, Representative Wilson. We have chatted about this and I don't think there's probably anyone in this Chamber more keenly aware of that sense from your experiences and for your sharing it with me. The answer to your concern would be this: If that situation does arise—and I think we all in this room know that it does exist today—that there exists the very first exemption, good cause exemption in the bill that if there were not an alternative program in the systems available today, in the public school system, for that child that was that unruly, then the exemption would apply and there would be no penalty to the family to continue doing their best by that child.

Statement of Legislative Intent on CS/CS/HB 1533

Rep. Atwater: Thank you, Mr. Speaker. With the pleasure of Representative Melvin and the Speaker, I'll help to move through four questions. But I'll take those as I can. Let me first say before this first question, thank you for recognizing the good work of Palm Beach County. We do consider it wonderful to be in the lead. First question, Representative Lynn, does this bill change the original intent and purpose of the school readiness act as it was passed by the Legislature in 1999?

The Chair [Rep. Maygarden]: Representative Lynn, you're recognized to respond.

Rep. Lynn: Thank you for that question. No it does not and it was a bipartisan bill, Democrat and Republican and we are still continuing with the same intent.

The Chair: Representative Atwater, you have a follow-up?

Rep. Atwater: Thank you, Mr. Speaker.

The Chair: You're recognized.

Rep. Atwater: Representative Lynn, what is the purpose of the school readiness section of this bill?

The Chair: Representative Lynn, to respond.

Rep. Lynn: Thank you, Mr. Speaker. The purpose of the school readiness section of the bill is to transfer the Florida partnership for school readiness from the Governor's office to the Agency for Workforce Innovation. And also to transfer to the Agency for Workforce Innovation the associated school readiness programs from the Department of Children & Families Services and the Department of Education. All to a type two transfer.

The Chair: Representative Atwater, you have another follow-up?

Rep. Atwater: Thank you, Mr. Speaker.

The Chair: You're welcome.

Rep. Atwater: Representative Lynn, a number of statutes as has already been mentioned are being repealed related to programs for children. Why is this being done?

The Chair: Representative Lynn, you're recognized.

Rep. Lynn: Thank you, Mr. Speaker. It's not the intent to repeal any existing program. These statutes are being repealed to eliminate the confusion that exists out there. We have people in our counties locally who are providing misinformation to parents. We have parents who need these services and they cannot get into programs because of that misinformation. We are going to only make sure that we keep our standards and set parameters so that there's no misunderstanding of what the eligibility is. There is no misunderstanding with multiple conflicting laws.

The Chair: Representative Atwater, one more question.

Rep. Atwater: Thank you, Mr. Speaker. There's about one more question and a statement. Representative Lynn, the 1999 school readiness legislation had a voucher component to it. Does this bill expand or limit the 1999 legislation as it relates to the use of vouchers?

The Chair: Representative Lynn.

Rep. Lynn: Thank you, Mr. Speaker. The voucher is a federal voucher that came down to us and we do nothing but accept that as the Federal Government has required.

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 466 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or grants to attend public educational institutions under specified circumstances; requiring the Department of Management Services to adopt rules; conforming language; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term "layoff"; defining the term "firefighter" and "law enforcement or correctional officer"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting "bumping"; providing certain exceptions; prescribing layoff procedures; amending the definition of cause for suspensions or dismissals; establishing grievance procedures; providing procedures for suspensions, reductions in pay, demotions, and dismissals; providing for appeals to the Public Employees Relations

Commission; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708 and 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; removing reference to the Department of Labor and Employment Security; conforming language; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Agency for Workforce Innovation; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; creating a Career Service Advisory Board; providing for selection of members; providing powers and duties; authorizing the Governor to develop a tax-sheltered plan for leave and special compensation pay for specified employees; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 392

Yeas—71

The Chair	Bennett	Davis	Harrington
Alexander	Bense	Diaz-Balart	Hart
Allen	Benson	Dockery	Hogan
Andrews	Berfield	Fasano	Johnson
Argenziano	Bilirakis	Fiorentino	Kallinger
Arza	Bowen	Flanagan	Kilmer
Attkisson	Brown	Garcia	Kottkamp
Atwater	Brummer	Gardiner	Kravitz
Baker	Byrd	Gibson	Kyle
Ball	Cantens	Goodlette	Lacasa
Barreiro	Carassas	Green	Littlefield
Baxley	Clarke	Haridopolos	Lynn
Bean	Crow	Harrell	Mack

Mahon	Miller	Ross	Spratt
Mayfield	Murman	Rubio	Trovillion
Maygarden	Negron	Russell	Wallace
Mealor	Paul	Simmons	Waters
Melvin	Pickens	Sorensen	

Nays—45

Ausley	Gottlieb	Lerner	Siplin
Bendross-Mindingall	Greenstein	Machek	Slosberg
Betancourt	Harper	McGriff	Smith
Brutus	Henriquez	Meadows	Sobel
Bucher	Heyman	Needelman	Stansel
Bullard	Holloway	Peterman	Weissman
Cusack	Jennings	Rich	Wiles
Detert	Joyner	Richardson	Wilson
Fields	Justice	Ritter	Wishner
Frankel	Kendrick	Romeo	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

Votes after roll call:

Yeas—Farkas
Yeas to Nays—Kilmer

So the bill passed, as amended. On motion by Rep. Diaz-Balart, the House requested the Senate to concur, or failing to concur, requested the Senate to appoint a committee of conference to meet with a like committee appointed by the House. The bill was immediately certified to the Senate.

Thereupon, in anticipation of the Senate action, the Speaker appointed the following Members as managers on the part of the House on CS for SB 466 to serve with Rep. Diaz-Balart, Chair: Reps. Kyle, Brummer, Cantens, and Seiler.

On motion by Rep. Goodlette, the House moved to the consideration of CS/HB 281 on Bills and Joint Resolutions on Third Reading.

CS/HB 281 was taken up. On motion by Rep. Alexander, the rules were waived and—

CS for SB 302—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the “Higher Educational Facilities Financing Act”; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; providing for construction; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

—was substituted for CS/HB 281 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Alexander, the rules were waived and CS for SB 302 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 393

Yeas—115

The Chair	Argenziano	Ausley	Baxley
Alexander	Arza	Baker	Bean
Allen	Attkisson	Ball	Bennett
Andrews	Atwater	Barreiro	Bense

Benson	Gannon	Kosmas	Rich
Berfield	Garcia	Kottkamp	Richardson
Betancourt	Gardiner	Kravitz	Ritter
Bilirakis	Gelber	Kyle	Romeo
Bowen	Gibson	Lacasa	Ross
Brown	Goodlette	Lee	Rubio
Brummer	Gottlieb	Lerner	Russell
Brutus	Green	Littlefield	Ryan
Bucher	Greenstein	Lynn	Seiler
Bullard	Haridopolos	Mack	Simmons
Byrd	Harper	Mahon	Siplin
Cantens	Harrell	Mayfield	Slosberg
Carassas	Harrington	Maygarden	Smith
Clarke	Hart	McGriff	Sobel
Crow	Henriquez	Meadows	Sorensen
Davis	Heyman	Mealor	Spratt
Detert	Hogan	Melvin	Stansel
Diaz-Balart	Holloway	Miller	Trovillion
Dockery	Jennings	Murman	Wallace
Farkas	Johnson	Needelman	Waters
Fasano	Jordan	Negron	Weissman
Fields	Joyner	Paul	Wiles
Fiorentino	Justice	Peterman	Wilson
Flanagan	Kallinger	Pickens	Wishner
Frankel	Kilmer	Prieguez	

Nays—None

Votes after roll call:

Yeas—Cusack, Kendrick

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

Special Orders

Special Order Calendar

On motion by Rep. Goodlette, the House moved to the consideration of SB 1162 on Special Orders.

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

—was read the second time by title.

Representative(s) Baxley and Diaz-Balart offered the following:

(Amendment Bar Code: 720813)

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 (2) of section 231.621, Florida Statutes, is amended to read:

231.621 Critical Teacher Shortage Student Loan Forgiveness Program.—

(2) From the funds available, the Department of Education may make loan principal repayments as follows:

(c) All repayments shall be contingent on continued proof of employment in the designated subject areas in this state and shall be made directly to the holder of the loan or, in case of a loan being paid

in full, directly to the teacher. The state shall not bear responsibility for the collection of any interest charges or other remaining balance. In the event that designated critical teacher shortage subject areas are changed by the State Board of Education, a teacher shall continue to be eligible for loan forgiveness as long as he or she continues to teach in the subject area for which the original loan repayment was made and otherwise meets all conditions of eligibility.

Section 2. Effective July 1, 2002, paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. *These funds may not be used for direct or indirect administrative purposes or salaries.* The board shall specify specific limits on the percent of the fees collected in a fiscal year which

may be carried forward unexpended to the following fiscal year. A minimum of 75 percent of funds from the student financial aid fee for new financial aid awards shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.*

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

- a. A nonrefundable application fee in an amount not to exceed \$30.
- b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed \$200.
- c. An orientation fee in an amount not to exceed \$35.
- d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed \$10 per card. The maximum amount charged for a replacement card may not exceed \$15.
- e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed \$15, for the payment of tuition in installments; and a late-registration fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to initiate registration during the regular registration period.
- f. A late-payment fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.
- g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).
- h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.
- i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.
- j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.
- k. A service charge on university loans in lieu of interest and administrative handling charges.

1. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed \$10 per item.

Section 3. Effective July 1, 2002, subsection (7) is added to section 240.271, Florida Statutes, to read:

240.271 State University System; funding.—

(7) *A minimum of 55 percent of the new awards from funds provided in the General Appropriations Act for fellowships and fee waivers shall be used only to support:*

(a) *Upper-division students or graduate students formally admitted to a degree program in one of the following disciplines:*

1. *Computer and information sciences.*
2. *Engineering.*
3. *Engineering technology.*
4. *Biological sciences/life sciences.*
5. *Mathematics.*
6. *Physical sciences.*
7. *Health professions and related sciences.*

(b) *Upper-division students or master's level students formally admitted to a state-approved teacher preparation program.*

The State University System shall report annually to the Legislature the distribution of fellowships and fee waivers provided, including, but not limited to, the number of awards, the dollar value of the awards, student level, student discipline, and the number and percent of award recipients remaining in the state following graduation who are employed in the field directly related to the discipline for which the award was received.

Section 4. Effective July 1, 2002, subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than \$250,000. If the amount generated is less than \$250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current

fund to the scholarship fund an amount equal to the difference between \$250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or \$300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 75 ~~50~~ percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 5. Subsections (1), (2), and (7) of section 240.40201, Florida Statutes, are amended to read:

240.40201 Florida Bright Futures Scholarship Program.—

(1) The Florida Bright Futures Scholarship Program is created to establish a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement and who enrolls in a degree program, certificate program, or applied technology diploma program at an eligible Florida public or private postsecondary education institution within 7 ~~3~~ years of graduation from high school. No award shall be provided to a student beyond 7 years after high school graduation, regardless of the year in which a student first receives scholarship funding.

(2) The Bright Futures Scholarship Program consists of three types of awards, the Florida Academic Scholarship, the Florida Medallion Merit Scholarship, and the Florida Vocational Gold Seal Vocational Scholarship.

(7) A student may receive only one type of award from the Florida Bright Futures Scholarship Program at a time, but may transfer from one type of award to another through the renewal application process, if the student's eligibility status changes. However, a student is not eligible to transfer from a Florida Medallion Merit Scholarship or a Florida Vocational Gold Seal Vocational Scholarship to a Florida Academic Scholarship. A student who receives an award from the program may also receive a federal family education loan or a federal

direct loan, and the value of the award must be considered in the certification or calculation of the student's loan eligibility.

Section 6. Section 240.40202, Florida Statutes, is amended to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Be a Florida resident as defined in s. 240.404 and rules of the State Board of Education.

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 232.246 or s. 229.814 unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 232.0201; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida. "Public service assignment," as used in this subparagraph, means the occupational assignment outside Florida of a person who is a permanent resident of Florida and who is employed by the United States Government or the State of Florida, a condition of which employment is assignment outside Florida.

(c) Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution.

(d) Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.

(e) Not have been found guilty of, or have pled ~~plead~~ nolo contendere to or guilty to, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency.

(f) Apply for a scholarship from the program by ~~April 1 of the last semester before~~ high school graduation. Requests for exceptions to this deadline may be accepted by the high school or district through December 31 following high school graduation.

(2) ~~A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by April 1 and who meets all other eligibility requirements, but who does not accept his or her award during the first year of eligibility after high school graduation, may apply for reinstatement of the award for use within 7 reapply during subsequent application periods up to 3 years after high school graduation. Reinstatement applications must be received by the deadline established by the Department of Education.~~

(3) For purposes of calculating the grade point average to be used in determining initial eligibility for a Florida Bright Futures scholarship, the department shall assign additional weights to grades earned in the following courses:

(a) Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate.

(b) Courses designated as academic dual enrollment courses in the statewide course numbering system.

The department may assign additional weights to courses, other than those described in paragraphs (a) and (b), that are identified by the Articulation Coordinating Committee as containing rigorous academic curriculum and performance standards. The additional weight assigned to a course pursuant to this subsection shall not exceed 0.5 per course. The weighted system shall be developed and distributed to all high schools in the state prior to January 1, 1998. The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.

(4) Each school district shall provide each high school student a complete and accurate Florida Bright Futures Scholarship Evaluation Report and Key annually. The report shall be disseminated at the beginning of each school year. The report must include all high school coursework attempted, the number of credits earned toward each type of award, and the calculation of the grade point average for each award. The report must also identify all requirements not met per award as well as the award or awards for which the student has met the academic requirements.

(5)(4) A student who wishes to qualify for a particular award within the Florida Bright Futures Scholarship Program, but who does not meet all of the requirements for that level of award, may, nevertheless, receive the award if the principal of the student's school or the district superintendent verifies that the deficiency is caused by the fact that school district personnel provided inaccurate or incomplete information to the student. The school district must provide a means for the student to correct the deficiencies and the student must correct them, either by completing comparable work at the postsecondary institution or by completing a directed individualized study program developed and administered by the school district. If the student does not complete the requirements by December 31 immediately following high school graduation, the student is ineligible to participate in the program.

Section 7. Section 240.40203, Florida Statutes, is amended to read:

240.40203 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal, reinstatement, and restoration awards.—

(1) To be eligible to receive renew a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program after the first year of eligibility, a student must meet the following requirements for renewal, reinstatement, or restoration:

(a) Renewal applies to students who receive an award for at least one term during the immediately preceding academic year. For renewal, a student must complete at least 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship and:

(b) maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medallion Merit Scholarship or a Florida Vocational Gold Seal Scholarship, the Department of Education may grant a renewal to the Florida Medallion Scholarship. ~~from one of those other scholarship programs, if the student meets the renewal eligibility requirements; or~~

2. If, upon renewal evaluation, a student fails to meet the renewal criteria pursuant to this section, credit hours and grades earned during the following summer term may be used to satisfy the renewal requirements. ~~If, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a reinstatement only once. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average and earns the required number of hours. If, during the summer term, a student does not earn is not sufficient hours or to raise the grade point average to the required renewal level, the student shall not be eligible for an award student's next opportunity for renewal is the fall semester of the following academic year.~~

(b) Reinstatement applies to students who were eligible but did not receive an award during the previous academic year or years, and who may apply to reestablish use of the scholarship. For reinstatement, a student must have been eligible at the time of the student's most recent Florida Bright Futures Scholarship eligibility determination. The

student must apply for reinstatement by submitting a reinstatement application by the deadline established by the Department of Education.

(c) Restoration applies to students who lost scholarship eligibility as a result of not meeting the renewal grade point average or number of hours, or both, at a prior evaluation period. A student may restore eligibility by meeting the renewal grade point average during a subsequent renewal evaluation period. A student is eligible to receive such restoration only once. The student must submit an application for restoration by the deadline established by the Department of Education.

(2) A Florida Academic Scholar or a Florida Medallion Scholar ~~student who is enrolled in a program that terminates in an associate degree or a baccalaureate degree~~ may receive an award for a maximum of 110 percent of the number of credit hours required to complete the undergraduate program.

(3) A Florida Academic Scholar or a Florida Medallion Scholar who is enrolled in a combined undergraduate/graduate program that terminates in the award of a postbaccalaureate degree, or the simultaneous award of baccalaureate and postbaccalaureate degrees, may receive an award for a maximum of 110 percent of the number of credit hours required to complete a standard undergraduate program at the institution attended, at the undergraduate rate.

(4) A Florida Gold Seal Vocational Scholar ~~student who is enrolled in a program that terminates in a technical certificate~~ may receive an award for up to 90 semester a maximum of 110 percent of the credit hours or the equivalent clock hours required to complete the program up to 90 credit hours. A student who transfers from the Florida Gold Seal Vocational Scholars award to the Florida Medallion Scholars award ~~one of these program levels to another~~ becomes eligible for the higher of the two credit hour limits.

Section 8. Section 240.40204, Florida Statutes, is amended to read:

240.40204 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal, reinstatement, or restoration of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(1) A Florida public university, community college, or technical center.

(2) An independent Florida college or university that is accredited by an accrediting agency recognized by the United States Department of Education a member of the Commission on Recognition of Postsecondary Accreditation and which has operated in the state for at least 3 years.

(3) An independent Florida postsecondary education institution that is licensed by the State Board of Independent Colleges and Universities and which:

(a) Shows evidence of sound financial condition; and

(b) Has operated in the state for at least 3 years without having its approval, accreditation, or license placed on probation.

(4) A Florida independent postsecondary education institution that offers a nursing diploma approved by the Board of Nursing.

(5) A Florida independent postsecondary education institution that is licensed by the State Board of Nonpublic Career Education and which:

(a) Has a program completion and placement rate of at least the rate required by the current Florida Statutes, the Florida Administrative Code, or the Department of Education for an institution at its level; and

(b) Shows evidence of sound financial condition; and either:

1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in the state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in Florida for 5 years during which there has been no complaint for which probable cause has been found.

Section 9. Section 240.40205, Florida Statutes, is amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 240.40202, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(f) Has been recognized by the National Hispanic Recognition Program as a scholar recipient; *or*—

(g) *Has been awarded the American International Certificate of Education Diploma from the University of Cambridge.*

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(2) A Florida Academic Scholar who is enrolled in a public postsecondary education institution is eligible for an award equal to the amount required to pay matriculation *and*, fees, as defined by the department, and \$600 for college-related expenses annually. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average matriculation and fees of a public postsecondary education institution at the comparable level, plus the annual \$600.

(3) To be eligible for a renewal *or restoration award* as a Florida Academic Scholar, a student must *meet the requirements of s. 240.40203 and the maintain the equivalent of a grade point average requirement of 3.0 on a 4.0 scale, or the equivalent*, for all postsecondary education work attempted. *A student may have, with an opportunity for one restoration reinstatement* as provided in this act.

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall *be designated as an Academic Top Scholar and shall* receive an additional award of \$1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

Section 10. Section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida *Medallion Merit* Scholars award.—

(1) A student is eligible for a Florida *Medallion Merit* Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 240.40202, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; *or*—

(d) *Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist, but has not completed a program of community service as provided in s. 240.40205; or*

(e) *Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 240.40205.*

(2) A Florida *Medallion Merit* Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, as defined by the department, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the average matriculation and fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal *or restoration award* as a Florida *Medallion Merit* Scholar, a student must *meet the requirements of s. 240.40203 and the maintain the equivalent of a grade point average requirement of 2.75 on a 4.0 scale, or the equivalent*, for all postsecondary education work attempted. *A student may have, with an opportunity for reinstatement one restoration time* as provided in this act.

Section 11. Section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) *Successfully completes the secondary school portion of a sequential program of studies that requires at least three secondary school vocational credits in one program of study, as identified by the Department of Education, taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by the Workforce Estimating Conference or Workforce*

Florida, Inc., for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. By July 1, 2002, the Articulation Coordinating Committee shall identify the programs at each 4-year institution that qualify as planned, related postsecondary education programs. On-the-job training may not be substituted for any of the three required vocational credits.

(b) Demonstrates readiness for postsecondary education by earning a passing score on the Florida College Entry Level Placement Test or its equivalent as identified by the Department of Education.

(c) Earns a minimum cumulative weighted grade point average of 3.0, as calculated pursuant to s. 240.40202, on all subjects required for a standard high school diploma, excluding elective courses.

(d) Earns a minimum unweighted grade point average of 3.5 on a 4.0 scale for secondary vocational courses comprising the vocational program.

~~(e) Completes the requirements of a vocational ready diploma program, as defined by rules of the State Board of Education.~~

(2) A Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, as defined by the department, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and mandatory fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal or restoration award as a Florida Gold Seal Vocational Scholar, a student must meet the requirements of s. 240.40203 and the maintain the equivalent of a grade point average requirement of 2.75 on a 4.0 scale, or the equivalent, for all postsecondary education work attempted. A student may have, with an opportunity for reinstatement one restoration time as provided in this act.

(4) Beginning with the fall term of 2003, a Florida Gold Seal Vocational Scholars award may only be used by students who enroll in programs of 2 years or less at a vocational-technical institution, a community college, or a junior college unless the award is a renewal of an initial award issued prior to the fall term of 2003 or as otherwise provided for in this section. A student may use an award for a program at a 4-year institution if the program has been identified by the Articulation Coordinating Committee pursuant to subsection (1), the student meets the minimum State University System admissions requirements, and the institution certifies annually the student's continued enrollment in such program.

(5) Upon successful completion of an associate degree program or 60 hours, an award recipient who meets the renewal criteria in subsection (3) and enrolls in a baccalaureate degree program at an eligible postsecondary education institution is eligible to transfer to the Florida Medallion Scholars award component of the Florida Bright Futures Scholarship Program. Other than initial eligibility criteria, all other requirements of the Florida Medallion Scholars award shall apply to a student who transfers to that program pursuant to the provisions of this subsection. The number of hours for which a student may receive a Florida Medallion Scholars award shall be calculated by subtracting from the student's total eligibility pursuant to s. 240.40206(2) the number of hours for which the student has already received funding under the Florida Bright Futures Scholarship Program.

(6) If a Florida Gold Seal Vocational Scholar received an initial award prior to the fall term of 2003, and has a cumulative grade point average of 2.75 in all postsecondary education work attempted, the Department of Education may transfer the student to the Florida Medallion Scholars award component of the Florida Bright Futures Scholarship Program at any renewal period. Other than initial eligibility criteria, all other requirements of the Florida Medallion Scholars award shall apply to a student who transfers to that program pursuant to the provisions of this subsection. The number of hours for which a student may receive a Florida Medallion Scholars award shall be calculated by subtracting from the student's total eligibility pursuant to s.

240.40206(2) the number of hours for which the student has already received funding under the Florida Bright Futures Scholarship Program.

~~(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. A Florida Gold Seal Scholar who has a cumulative grade point average of 2.75 in all postsecondary education work attempted may apply for a Florida Merit Scholars award at any renewal period. All other provisions of that program apply, and the credit hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.~~

Section 12. Section 240.40211, Florida Statutes, is created to read:

240.40211 Florida Bright Futures Scholarship Program targeted occupations.—

(1)(a) Using information provided by the Workforce Estimating Conference, the Department of Education, in consultation with the Legislature, shall identify targeted occupations that are high demand, high wage, and high skill for which the state's postsecondary education institutions provide the necessary education and training.

(b) The Department of Education shall identify the specific associate and baccalaureate degree programs, certificate programs, and applied technology diploma programs that are offered by postsecondary education institutions and prepare students for employment in the targeted occupations. The department shall provide such information to the postsecondary education institutions that participate in the Florida Bright Futures Scholarship Program.

(c) Identification of targeted occupations and degree, certificate, and diploma programs shall be completed, and updated annually thereafter, for use in providing awards pursuant to this section beginning with the 2002-2003 fall academic term.

(2) A Florida Bright Futures Scholarship award recipient who is enrolled at a vocational-technical institution, a community college, or a junior college in a program identified pursuant to paragraph (1)(b) is eligible to receive an additional \$250 per semester, or the equivalent, for postsecondary education-related expenses.

(3) A Florida Bright Futures Scholarship award recipient who is enrolled at a baccalaureate-degree-granting institution in the upper division of a program identified pursuant to paragraph (1)(b) is eligible to receive an additional \$500 per semester, or the equivalent, for postsecondary education-related expenses.

(4) Institutions that participate in the Florida Bright Futures Scholarship Program and offer a program identified pursuant to paragraph (1)(b) shall advise their students of the availability of the awards provided pursuant to this section.

(5) The department shall establish procedures for institutions to certify to the department the initial and continued eligibility status of any student who is eligible to receive an award pursuant to this section. A student's continued enrollment in an eligible program shall be certified by the institution each academic year.

(6) The department shall evaluate this component of the Florida Bright Futures Scholarship Program from its inception to determine, of the total number of students who receive awards pursuant to this section, the number who become employed in the occupation for which the award was provided. This evaluation shall be reported on an annual basis to the Governor and the Legislature.

(7) This award component of the Florida Bright Futures Scholarship Program shall be implemented to the extent funded in the General Appropriations Act. When funds are not sufficient to make full awards, the department shall reduce the amount of each recipient's award pro rata.

Section 13. Section 240.40242, Florida Statutes, is repealed.

Section 14. *Florida Bright Futures Scholarship Testing Program.*—

(1) *By January 1, 2002, the Articulation Coordinating Committee shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the Articulation Coordinating Committee shall identify such courses in the general education core curriculum of each state university and community college.*

(2) *Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these examinations unless the award of credit duplicates credit already awarded. Community colleges and universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.*

(3) *Beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, students eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement.*

(4) *Initial award recipients for the 2001-2002 academic year who are eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award and who are admitted to and enroll in a community college or state university may choose, prior to registering for courses that may be earned through CLEP examination, to complete up to five CLEP examinations, one in each of the following areas: English; humanities; mathematics; natural sciences; and social sciences.*

(5) *Each community college and state university shall pay for the CLEP examinations required pursuant to this section from the funds appropriated from the Educational Enhancement Trust Fund. Institutions shall pay no more than \$46 per examination for the program, which shall include access to a student guide to prepare for the test. The Department of Education shall negotiate with the College Board for a reduced rate for the examinations. The institution shall not charge the student for preparation and administration of the test, access to a student guide to prepare for the test, or recordkeeping and reporting of each student's test results to the department.*

(6) *The credit awarded pursuant to this section shall apply toward the 120 hours of college credit required pursuant to s. 240.115(6).*

(7) *The maximum number of credit hours for which a student is eligible to receive a Florida Bright Futures Scholarship Program award shall be reduced by the number of hours for which credit is awarded pursuant to this section.*

(8) *Beginning with the 2002-2003 award recipients, the Department of Education shall track and annually report on the effectiveness of the program, and include information on the number of students participating in the program; the CLEP examinations taken and the passage rate of Florida Academic Scholars and Florida Medallion Scholars award recipients; the use of Advanced Placement and International Baccalaureate examinations and dual enrollment courses to satisfy the requirements of the program; and the course credit provided.*

Section 15. Subsection (1) of section 240.404, Florida Statutes, is amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation~~; any Florida institution the credits of which are acceptable for transfer to state universities; any area technical center; or any private vocational-technical institution accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation~~.

2.a. Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 240.409, s. 240.4095, s. 240.4097, s. 240.412, s. 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201 and rules of the State Board of Education.

b. *A person who has been properly classified as a resident by a postsecondary institution for initial receipt of state-funded student financial assistance and has been determined eligible to participate in a financial assistance program may continue to qualify as a resident for state-funded financial aid programs if he or she maintains continuous enrollment at the postsecondary institution, with no break in enrollment greater than 12 consecutive months.*

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

(b)1. Eligibility for the renewal of undergraduate financial aid awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

a. Have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

b. Have earned, for full-time study, 12 credits per term or the equivalent for the number of terms for which aid was received.

2. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for up to the equivalent of 1 academic year and shall be required to earn a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period to be eligible for subsequent renewal. A student who receives a probationary award and who fails to meet the conditions for renewal by the end of his or her probationary period shall be ineligible to receive additional awards for the equivalent of 1 academic year following his or her probationary period. Each such student may, however, reapply for assistance during a subsequent application period and may be eligible for an award if he or she has earned a cumulative grade point average of 2.0 on a 4.0 scale.

3. A student who fails to earn the minimum number of credits required for renewal shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. However, the student may reapply during a subsequent application period and may be eligible for an award if he or she has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

4. Students who receive state student aid and subsequently fail to meet state academic progress requirements due to verifiable illness or other emergencies may be granted an exception from the academic requirements. Such students shall make a written appeal to the institution. The appeal shall include a description and verification of the circumstances. Verification of illness or other emergencies may include but not be limited to a physician's statement or written statement of a parent or college official. The institution shall recommend exceptions with necessary documentation to the department. The department may accept or deny such recommendations for exception from the institution.

Section 16. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, sections 240.2985 and 240.6054, Florida Statutes, shall not stand repealed on January 7, 2003, and are reenacted, renumbered as section 240.4084, Florida Statutes, and amended to read:

(Substantial rewording of sections. See ss. 240.2985 and 240.6054, F.S., for present text.)

240.4084 Ethics in Business Scholarship Program.—The Ethics in Business Scholarship Program is created to provide scholarships to students who are enrolled in postsecondary education institutions and who meet the general requirements for student eligibility for state financial aid pursuant to s. 240.404. Moneys appropriated and allocated for such scholarships shall be matched by private donations for the purpose of providing ethics in business scholarships. The Ethics in Business Scholarship Program shall consist of the following components:

(1) Moneys appropriated from the Insurance Commissioner's Regulatory Trust Fund to the Trust Fund for Major Gifts, pursuant to section 2 of chapter 97-381, Laws of Florida, shall be allocated to each university foundation on a matching basis equal to the amount of private funds received by such foundation for program purposes. Moneys appropriated and allocated to university foundations for purposes of the program shall be used to create endowments to provide scholarships to undergraduate students enrolled in state institutions of higher learning who register for one or more credit hours in business ethics courses and who have demonstrated a commitment to serve the interests of their community. First priority for award of scholarships shall be given to students who demonstrate financial need. The Board of Regents shall administer the provisions of this subsection.

(2) Moneys transferred from the Insurance Commissioner's Regulatory Trust Fund to the State Student Financial Assistance Trust Fund, pursuant to section 3 of chapter 97-381, Laws of Florida, shall be allocated to provide ethics in business scholarships to students enrolled in public community colleges and independent postsecondary education institutions eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 240.605. The funds shall be allocated to institutions for scholarships in the following ratio: two-thirds for community colleges and one-third for eligible independent institutions. These funds shall be allocated to institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing ethics in business scholarships. The Department of Education shall administer the provisions of this subsection and may adopt rules for such administration. Notwithstanding any other provision of law, the State Board of Administration shall have the authority to invest the funds appropriated under this subsection.

Each institution that receives an allocation of funds shall submit to the Legislature an annual report of the matching funds collected and a profile of scholarship award recipients.

Section 17. Section 240.409, Florida Statutes, is amended to read:

240.409 Florida Public Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Public Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) *The department is directed to establish an initial application deadline for funds administered pursuant to this section.*

(3) Using the priorities established in this section and in s. 240.40975, institutions shall first award funds administered pursuant to this section to students who meet the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.

~~(4)(2)(a)~~ State student assistance grants through the program may be made only to ~~full-time~~ degree-seeking students who *enroll in at least 6 semester hours, or the equivalent, per semester and who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of matriculation fees and other registration fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a state student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).*

(b) A student applying for a Florida public student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

~~(c) Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term and indicate whether or not the student met the application deadline established pursuant to subsection (2). Each institution shall also report to the department necessary demographic and eligibility data for such students.

~~(5)(3)~~ Based on the unmet financial need of an eligible applicant, the amount of a Florida public student assistance grant must be between \$200 and the weighted average of the cost of matriculation and other registration fees for 30 credit hours at state universities per academic year or the amount specified in the General Appropriations Act.

~~(6)(4)(a)~~ The funds appropriated for the Florida Public Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission, the State Board of Community Colleges, and the Board of Regents. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the number of eligible applicants who met the application deadline, the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida public student assistance grants shall be transmitted to the president of the state university or community college, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student, *shall indicate whether or not the student met the application deadline established pursuant to subsection (2)*, and shall remit to the department any undisbursed advances by June 1 of each year.

(7)(5) Funds appropriated by the Legislature for state student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. 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 that has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

(8)(6) The State Board of Education shall establish rules necessary to implement this section.

Section 18. Section 240.4095, Florida Statutes, is amended to read:

240.4095 Florida Private Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Private Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) *The department is directed to establish an initial application deadline for funds administered pursuant to this section.*

(3) *Using the priorities established in this section and in s. 240.40975, institutions shall first award funds administered pursuant to this section to students who met the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.*

(4)(2)(a) Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made only to ~~full-time~~ degree-seeking students who *enroll in at least 6 semester hours, or the equivalent, per semester and who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.* Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and which is located in and chartered as a domestic corporation by the state. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida private student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student*

met the application deadline established pursuant to subsection (2). Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)(3) Based on the unmet financial need of an eligible applicant, the amount of a Florida private student assistance grant must be between \$200 and the average cost of matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year or the amount specified in the General Appropriations Act.

(6)(4)(a) The funds appropriated for the Florida Private Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Independent Colleges and Universities of Florida. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline*, the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida private student assistance grants shall be transmitted to the president of the college or university, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student, *shall indicate whether or not the student met the application deadline established pursuant to subsection (2)*, and shall remit to the department any undisbursed advances by June 1 of each year.

(e) Each institution that receives moneys through the Florida Private Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(7)(5) Funds appropriated by the Legislature for Florida private student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. 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 that has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(8)(6) The State Board of Education shall adopt rules necessary to implement this section.

Section 19. Section 240.4097, Florida Statutes, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Postsecondary Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) *The department is directed to establish an initial application deadline for funds administered pursuant to this section.*

(3) *Using the priorities established in this section and s. 240.40975, institutions shall first award funds administered pursuant to this section to students who meet the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.*

(4)(2)(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who enroll in at least 6 semester hours, or the equivalent, per semester and who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average prior academic year cost of matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

~~(c) Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student met the application deadline established pursuant to subsection (2)*. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)(3) Based on the unmet financial need of an eligible applicant, the amount of a Florida postsecondary student assistance grant must be between \$200 and the average cost of matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year or the amount specified in the General Appropriations Act.

(6)(4)(a) The funds appropriated for the Florida Postsecondary Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Florida Association of Postsecondary Schools and Colleges. The formula shall consider at least the prior year's distribution of funds, the number

of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline*, the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida postsecondary student assistance grants shall be transmitted to the president of the eligible institution, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student, *shall indicate whether or not the student met the application deadline established pursuant to subsection (2)*, and shall remit to the department any undisbursed advances by June 1 of each year.

(e) Each institution that receives moneys through the Florida Postsecondary Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(7)(5) Any institution that was eligible to receive state student assistance grants on January 1, 1989, and that is not eligible to receive grants pursuant to s. 240.4095 is eligible to receive grants pursuant to this section.

(8)(6) Funds appropriated by the Legislature for Florida postsecondary student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. 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 that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(9)(7) The State Board of Education shall adopt rules necessary to implement this section.

Section 20. Section 240.40975, Florida Statutes, is created to read:

240.40975 *Florida student assistance grant programs; priority for receiving grants.—Priority in the distribution of grants provided pursuant to s. 240.409, s. 240.4095, or s. 240.4097 shall be given to eligible applicants in the following order:*

(1) *To full-time students with the greatest financial need as determined by the department.*

(2) *To full-time students with financial need who graduate from public Florida high schools, who have completed the high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses, and who rank in the top 20 percent of their high school graduating class. Class rank shall be determined by the Department of Education.*

(3) *To other full-time students with financial need.*

(4) *To part-time students with financial need, if funds are remaining.*

Section 21. Subsection (3) of section 240.4128, Florida Statutes, is amended to read:

240.4128 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's public community colleges and its public and private universities that have teacher education programs.

(3) The total amount appropriated annually for new scholarships in the program must be divided by \$4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students. *Each participating institution shall report to the department, by the established date, the eligible students to whom scholarships are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.*

Section 22. Subsection (6) of section 240.437, Florida Statutes, is amended to read:

240.437 Student financial aid planning and development.—

(6) ~~Any Effective July 1, 1992, all new and existing~~ financial assistance programs authorized by state law that are administered by the Bureau of Student Financial Assistance of the Department of Education and that ~~under this part which~~ are not funded for 3 consecutive years after enactment shall stand repealed. Financial aid programs provided under this part on July 1, 1992, which lose funding for 3 consecutive years shall stand repealed. The Bureau Office of Student Financial Assistance of the Department of Education shall annually review the legislative appropriation of financial aid to identify such programs.

Section 23. Section 240.465, Florida Statutes, is amended to read:

240.465 Delinquent accounts.—

(1) The Department of Education is directed to exert every lawful and reasonable effort to collect all delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes.

(2) The department is authorized to establish a recovery account into which unpaid and uncanceled scholarship loan note, student loan note, and defaulted guaranteed loan note accounts may be transferred.

(3) The department is authorized to settle any delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes and to employ the service of a collection agent when deemed advisable in collecting delinquent or defaulted accounts. However, no collection agent may be paid a commission in excess of 35 percent of the amount collected. Any expense incurred by the department in enforcing the collection of a loan note may be borne by the signer of the note and may be added to the amount of the principal of such note.

(4) The department is authorized to charge off unpaid and uncanceled scholarship loan notes and student loan notes which are at least 3 years delinquent and which prove uncollectible after good faith collection efforts. However, a delinquent account with a past due balance of \$25 or less may be charged off as uncollectible when it becomes 6 months past due and the cost of further collection effort or assignment to a collection agent would not be warranted.

~~(5) No individual borrower who has been determined to be in default in making legally required scholarship loan, student loan, or guaranteed loan repayments shall be furnished with his or her academic transcripts~~

~~or other student records until such time as the loan is paid in full or the default status has been removed.~~

(5)(6) The department is authorized to charge an individual borrower who has been determined to be in default in making legally required loan repayments the maximum interest rate authorized by law.

(6)(7) The State Board of Education shall adopt such rules as are necessary to regulate the collection, settlement, and charging off of delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes.

Section 24. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.551, Florida Statutes, shall not stand repealed on January 7, 2003, and is reenacted and amended to read:

240.551 Florida Prepaid College Program.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that educational opportunity at the postsecondary level is a critical state interest. It further recognizes that educational opportunity is best ensured through the provision of postsecondary institutions that are geographically and financially accessible. Accordingly, it is the intent of the Legislature that a program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment. It is similarly the intent of the Legislature to provide a program that fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees.

(2) DEFINITIONS.—

(a) "Advance payment contract" means a contract entered into by the board and a purchaser pursuant to this section.

(b) "Board" means the Florida Prepaid College Board.

(c) "Fund" means the Florida Prepaid College Trust Fund.

(d) "Program" means the Florida Prepaid College Program.

(e) "Purchaser" means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(f) "Qualified beneficiary" means:

1. A resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident;

2. A nonresident who is the child of a noncustodial parent who is a resident of this state at the time that such parent enters into an advance payment contract on behalf of the child; or

3. For purposes of advance payment contracts entered into pursuant to subsection (22), a graduate of an accredited high school in this state who is a resident of this state at the time he or she is designated to receive the benefits of the advance payment contract.

(g) "Registration fee" means matriculation fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(h) "State postsecondary institution" means any community college identified in s. 240.3031 or university identified in s. 240.2011.

(3) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.—There is created a Florida Prepaid College Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a

state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(4) **FLORIDA PREPAID COLLEGE TRUST FUND.**—There is created within the State Board of Administration the Florida Prepaid College Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47. Dividends, interest, and gains accruing to the trust fund shall increase the total funds available for the program. Notwithstanding the provisions of chapter 717, funds associated with terminated contracts pursuant to subsection (12) and canceled contracts for which no refunds have been claimed shall increase the total funds available for the program. However, the board shall establish procedures for notifying purchasers who subsequently cancel their contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that dividends, interest, and gains exceed the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10. Any funds of a direct-support organization created pursuant to subsection (22) shall be exempt from the provisions of this subsection.

(5) **PROGRAM ADMINISTRATION.**—

(a) The Florida Prepaid College Program shall be administered by the Florida Prepaid College Board as an agency of the state. The Florida Prepaid College Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. For the purposes of s. 6, Art. IV of the State Constitution, the board shall be assigned to and administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in this section.

(b) The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, the Comptroller, the Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(c) The board shall annually elect a board member to serve as chair and a board member to serve as vice chair and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chair.

(6) **FLORIDA PREPAID COLLEGE BOARD; DUTIES.**—The board shall:

(a) Appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him or her by the board.

(b) Administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(c) Establish a comprehensive investment plan for the purposes of this section with the approval of the State Board of Administration. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund, and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.

(d) Solicit proposals and contract, pursuant to s. 287.057, for the marketing of the Florida Prepaid College Program. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.

(e) Solicit proposals and contract, pursuant to s. 287.057, for a trustee services firm to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.

2. Capability to execute program responsibilities within time and regulatory constraints.

3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.

4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.

5. Adequacy of technical assistance and services proposed for staff.

6. Adequacy of a management system for evaluating and improving overall trustee services to the program.

7. Adequacy of facilities, equipment, and electronic data processing services.

8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.

(f) Solicit proposals and contract, pursuant to s. 287.057, for product providers to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.

3. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.

4. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.

(7) FLORIDA PREPAID COLLEGE BOARD; POWERS.—The board shall have the powers necessary or proper to carry out the provisions of this section, including, but not limited to, the power to:

- (a) Adopt an official seal and rules.
- (b) Sue and be sued.
- (c) Make and execute contracts and other necessary instruments.
- (d) Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.
- (e) Invest funds not required for immediate disbursement.
- (f) Appear in its own behalf before boards, commissions, or other governmental agencies.
- (g) Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.
- (h) Require a reasonable length of state residence for qualified beneficiaries.
- (i) Restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively.

However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(j) Segregate contributions and payments to the fund into various accounts and funds.

(k) Contract for necessary goods and services, employ necessary personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for administrative or technical assistance.

(l) Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of this section.

(m) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis.

(n) Procure insurance against any loss in connection with the property, assets, and activities of the fund or the board.

(o) Impose reasonable time limits on use of the tuition benefits provided by the program. However, any such limitation shall be specified within the advance payment contract.

(p) Delineate the terms and conditions under which payments may be withdrawn from the fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract.

(q) Provide for the receipt of contributions in lump sums or installment payments.

(r) Require that purchasers of advance payment contracts verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests, or contract changes of any nature. Verification shall be accomplished as authorized and provided for in s. 92.525(1)(a).

(s) Delegate responsibility for administration of the comprehensive investment plan required in paragraph (6)(c) to a person the board determines to be qualified. Such person shall be compensated by the board. Directly or through such person, the board may contract with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

(t) Endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers and beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.

(u) Solicit proposals and contract, pursuant to s. 287.057, for the services of a records administrator. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.

3. Sufficient staff and computer capability for the scope and level of service expected by the board.

4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.

(v) Establish other policies, procedures, and criteria to implement and administer the provisions of this section.

(w) Adopt procedures to govern contract dispute proceedings between the board and its vendors.

(8) **QUALIFIED STATE TUITION PROGRAM STATUS.**—Notwithstanding any other provision of this section, the board may adopt rules necessary to enable the program to retain its status as a “qualified state tuition program” in order to maintain its tax exempt status or other similar status of the program, purchasers, and qualified beneficiaries under the Internal Revenue Code of 1986, as defined in s. 220.03(1). The board shall inform purchasers of changes to the tax or securities status of contracts purchased through the program.

(9) **PREPAID COLLEGE PLANS.**—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.

(a)1. Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.35, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. The cost of purchasing such fees shall be based primarily on the average current and projected fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of the beneficiary and the exercise of benefits provided in the plan by such beneficiary. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.235(1), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. The

costs of purchasing such fees shall be based primarily on the average current and projected cost of these fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of the qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.

(10) **TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.**—A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) Any eligible independent college or university. An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the *Accrediting Council for Independent Colleges and Schools* ~~Accrediting Commission of the Association of Independent Colleges and Schools~~, and that confers degrees as defined in s. 246.021, is eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract ~~at a state postsecondary institution or the original purchase price plus 5 percent compounded interest, whichever is less, after~~

~~assessment of a reasonable transfer fee.~~ If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at~~ ~~within~~ a state postsecondary institution. If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an "eligible educational institution" under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(11) ADVANCE PAYMENT CONTRACTS; CONTENTS.—The board shall construct advance payment contracts for registration and may construct advance payment contracts for dormitory residence as provided in this section. Advance payment contracts constructed for the purposes of this section shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:

(a) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

(b) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

(c) Provisions for late payment charges and for default.

(d) Provisions for penalty fees for withdrawals from the fund.

(e) Except for an advance payment contract entered into pursuant to subsection (22) or subsection (23), the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(f) The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(g) The terms and conditions under which a contract may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

(h) The number of semester credit hours or semesters of dormitory residence contracted by the purchaser.

(i) The state postsecondary system toward which the contracted credit hours or semesters of dormitory residence will be applied.

(j) The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conference of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary or to provide for a specified number

of semesters of dormitory residence, not to exceed the number of semesters of full-time enrollment required for the conference of a baccalaureate degree.

(k) Other terms and conditions deemed by the board to be necessary or proper.

(12) DURATION OF BENEFITS; ADVANCE PAYMENT CONTRACT.—An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this subsection. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this subsection shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this subsection. Such moneys retained by the board are exempt from chapter 717, and such retained moneys must be used by the board to further the purposes of this section.

(13) REFUNDS.—

(a) Except as provided in paragraphs (b), ~~and~~ (c), and (f), no refund shall exceed the amount paid into the fund by the purchaser.

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be ~~refunded returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount which, in total, does not exceed the redemption value of the advance payment contract at a state postsecondary institution ~~amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be ~~refunded returned~~ to the purchaser in an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution ~~together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(d) If an advance payment contract is converted from one registration plan to a plan of lesser value, the amount refunded shall not exceed the difference between the amount paid for the original contract and the amount that would have been paid for the contract to which the plan is converted had the converted plan been purchased under the same payment plan at the time the original advance payment contract was executed.

(e) No refund shall be authorized through an advance payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period, but withdraws before the end of such semester. If a beneficiary does not complete a community college plan or university plan for reasons other than specified in paragraph (c), the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(f) Benefits purchased under the Florida Prepaid College Program shall be permitted to roll over to a college savings program, as defined under s. 529 of the United States Internal Revenue Code, relating to qualified state tuition programs. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution in Florida at the time of the rollover, after assessment of a reasonable transfer fee.

(14) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account

activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a community college, college, or university in which a beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

(15) OBLIGATIONS OF BOARD; PAYMENT.—The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the Florida Prepaid College Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(16) ASSETS OF THE FUND; EXPENDITURE PRIORITY.—The assets of the fund shall be maintained, invested, and expended solely for the purposes of this section and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of this section. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the fund shall be expended in the following order of priority:

(a) To make payments to state postsecondary institutions on behalf of qualified beneficiaries.

(b) To make refunds upon termination of advance payment contracts.

(c) To pay the costs of program administration and operations.

(17) EXEMPTION FROM CLAIMS OF CREDITORS.—Moneys paid into or out of the fund by or on behalf of a purchaser or qualified beneficiary of an advance payment contract made under this section, which contract has not been terminated, are exempt, as provided by s. 222.22, from all claims of creditors of the purchaser or the beneficiary. Neither moneys paid into the program nor benefits accrued through the program may be pledged for the purpose of securing a loan.

(18) PAYROLL DEDUCTION AUTHORITY.—The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with this section.

(19) DISCLAIMER.—Nothing in this section shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

(20) PROGRAM TERMINATION.—In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within 5 years of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he or she has contracted. All other contract holders shall receive a refund of the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(21) ANNUAL REPORT.—The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall

provide to the Board of Regents and the State Board of Community Colleges, by March 31 each year, complete advance payment contract sales information, including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(a) The board may establish a direct-support organization which is:

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

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.

3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state. Unless so certified, the organization may not use the name of the program.

(b) The direct-support organization shall operate under written contract with the board. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the board.

2. Submission of an annual budget for the approval of the board. The budget must comply with rules adopted by the board.

3. An annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules adopted by the board.

4. Certification by the board that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.

5. The reversion to the board, or to the state if the board ceases to exist, of moneys and property held in trust by the direct-support organization for the benefit of the board or program if the direct-support organization is no longer approved to operate for the board or if the board ceases to exist.

6. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

7. The disclosure of material provisions of the contract and of the distinction between the board and the direct-support organization to donors of gifts, contributions, or bequests, and such disclosure on all promotional and fundraising publications.

(c) An annual financial and compliance audit of the financial accounts and records of the direct-support organization must be performed by an independent certified public accountant. The audit must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review. The board and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

(d) The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name, *at a minimum*, three other individuals to serve as directors of the organization.

(f) The board may authorize the direct-support organization established in this subsection to use program property, except money, and use facilities and personal services subject to the provisions of this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, it may not use the property, facilities, or personal services of the board. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board. The board shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which such a direct-support organization must comply to use property, facilities, or personal services of the board.

(g) The board may invest funds of the direct-support organization which have been allocated for the purchase of advance payment contracts for scholarships with receipts for advance payment contracts.

(23) *SCHOLARSHIPS.*—A nonprofit organization described in s. 501 (c)(3) of the United States Internal Revenue Code and exempt from taxation under s. 501(a) of the United States Internal Revenue Code may purchase advance payment contracts for a scholarship program that has been approved by the board and is operated by the purchasing organization.

Section 25. Section 240.6053, Florida Statutes, is created to read:

240.6053 *Academic program contracts.*—

(1) *Academic program contracts with independent institutions recommended by the Postsecondary Education Planning Commission pursuant to s. 240.147(4), and approved by the State Board of Education pursuant to s. 229.053(2), shall be administered by the Department of Education.*

(2) *Funding for such contracts shall be based on the average cost to the state to provide similar programs in the State University System or an amount specified in the General Appropriations Act.*

(3) *Priority for academic program contract support shall be given to students with demonstrated financial need. To be eligible for such support, a student shall meet the general requirements for student eligibility for state financial aid pursuant to s. 240.404.*

(4) *The tuition and fees assessed students supported through an academic program contract shall not exceed the amount required to pay the average matriculation and fees for a comparable program at a state university.*

(5) *The amount an institution receives per student for funding pursuant to this section, plus the tuition and fees paid by the student, plus the value of the Florida Resident Access Grant received by the student shall not exceed the full cost per student to the state of a similar program in the State University System.*

(6) *Institutions receiving support pursuant to this section shall annually submit to the department data on performance measures, including, but not limited to, degrees granted, graduation rates, licensure or certification rates of graduates where applicable, and employment in Florida.*

Section 26. Section 295.02, Florida Statutes, is amended to read:

295.02 *Use of funds; age, etc.*—

(1) All sums appropriated and expended under this chapter shall be used to pay tuition and registration fees as defined by the Department of Education, board, and room rent and to buy books and supplies for the children of:

(a) Deceased or disabled veterans or service members, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, s. 295.019, or s. 295.0195; ~~or, or of~~

(b) Parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015, ~~who are~~

(2) *Such children must be between the ages of 16 and 22 years and ~~who are~~ in attendance at:*

(a) A state-supported institution of higher learning, including a community college or vocational-technical school; ~~or:~~

(b) *A postsecondary education institution eligible to participate in the Florida Bright Futures Scholarship Program. A student attending an eligible independent postsecondary education institution may receive an award equivalent to the average matriculation and fees calculated for full-time attendance at a public postsecondary education institution at the comparable level.*

Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed.

(3) The Department of Education shall administer this educational program subject to rules ~~regulations~~ of the State Board of Education ~~department~~. The state board is authorized to adopt rules to implement the provisions of this program.

Section 27. Except as otherwise provided herein, this act shall take effect July 1, 2001.

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 student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.271, F.S.; requiring that a minimum percentage of funds provided in the General Appropriations Act for fellowship and fee waivers shall be used only to support graduate students or upper-division students in certain disciplines; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S., relating to the Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; requiring school districts to provide each high school student a Florida Bright Futures Scholarship Evaluation Report and Key; amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; revising provisions relating to award limits; amending s. 240.40204, F.S.; updating obsolete language with respect to eligible postsecondary education institutions under the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S.; revising eligibility requirements with respect to the Florida Academic Scholars award; amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; providing restrictions on use of the award; providing for transfer of awards; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of

credit; requiring annual reporting of the effectiveness of the program; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.; revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

Rep. Baxley moved the adoption of the amendment.

Representative(s) Diaz-Balart offered the following:

(Amendment Bar Code: 343939)

Amendment 1 to Amendment 1 (with title amendment)—On page 78, between lines 27 and 28 of the amendment

insert:

Section 26. *There is hereby appropriated from the General Revenue Fund to the University of Miami-RSMAS Integrated Marine Research and Educational Program for fiscal year 2001-2002 a sum of \$200,000.*

And the title is amended as follows:

On page 84, line 1, of the amendment

after the semicolon insert: providing an appropriation;

Rep. Diaz-Balart moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended.

Reconsideration

On motion by Rep. Frankel, the House reconsidered the vote by which **Amendment 1 to Amendment 1** was adopted.

On motion by Rep. Frankel, further consideration of **SB 1162** was temporarily postponed under Rule 11.10.

Bills and Joint Resolutions on Third Reading

CS for CS for SB 400—A bill to be entitled An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing

for satisfaction of the element of notice under certain circumstances; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 394

Yeas—111

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Detert	Johnson	Peterman
Argenziano	Diaz-Balart	Justice	Pickens
Arza	Dockery	Kallinger	Prieguez
Attkisson	Farkas	Kendrick	Rich
Atwater	Fasano	Kilmer	Richardson
Ausley	Fields	Kosmas	Ritter
Baker	Fiorentino	Kottkamp	Romeo
Ball	Flanagan	Kravitz	Ross
Barreiro	Frankel	Kyle	Rubio
Baxley	Gannon	Lacasa	Russell
Bean	Garcia	Lee	Ryan
Bendross-Mindingall	Gardiner	Lerner	Seiler
Bennett	Gelber	Littlefield	Simmons
Bense	Gibson	Lynn	Slosberg
Benson	Goodlette	Machek	Sobel
Berfield	Gottlieb	Mack	Sorensen
Betancourt	Green	Mahon	Spratt
Bilirakis	Greenstein	Mayfield	Stansel
Bowen	Haridopolos	Maygarden	Trovillion
Brown	Harper	McGriff	Wallace
Brutus	Harrell	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	

Nays—5

Brunner	Siplin	Smith	Wishner
Joyner			

Votes after roll call:

Yeas to Nays—Peterman, Wilson

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

REPRESENTATIVE BALL IN THE CHAIR

CS/CS/HB 179—A bill to be entitled An act relating to child care facilities; amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing that implementation is not subject to an appropriation; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 395

Yeas—117

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Farkas	Joyner	Pickens
Baker	Fasano	Justice	Prieguez
Barreiro	Feeney	Kallinger	Rich
Baxley	Fields	Kendrick	Richardson
Bean	Fiorentino	Kosmas	Ritter
Bendross-Mindingall	Flanagan	Kottkamp	Romeo
Bennett	Frankel	Kravitz	Ross
Bense	Gannon	Kyle	Rubio
Benson	Garcia	Lacasa	Russell
Berfield	Gardiner	Lee	Ryan
Betancourt	Gelber	Lerner	Seiler
Bilirakis	Gibson	Littlefield	Simmons
Bowen	Goodlette	Lynn	Siplin
Brown	Gottlieb	Machek	Slosberg
Brummer	Green	Mack	Smith
Brutus	Greenstein	Mahon	Sobel
Bucher	Haridopolos	Mayfield	Spratt
Bullard	Harper	Maygarden	Stansel
Byrd	Harrell	McGriff	Trovillion
Cantens	Harrington	Meadows	Wallace
Carassas	Hart	Mealor	Waters
Clarke	Henriquez	Melvin	Weissman
Crow	Heyman	Miller	Wiles
Cusack	Hogan	Murman	Wilson
Davis	Holloway	Needelman	Wishner
Detert	Jennings	Negron	
Diaz-Balart	Johnson	Paul	
Dockery	Jordan	Peterman	

Nays—None

Votes after roll call:

Yeas—Kilmer

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

CS/HB 365 was taken up. On motion by Rep. Hogan, the rules were waived and—

CS for SB 840—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual's health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was substituted for CS/HB 365 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Hogan, the rules were waived and CS for SB 840 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 396

Yeas—116

The Chair	Bennett	Clarke	Garcia
Alexander	Bense	Crow	Gardiner
Allen	Benson	Cusack	Gelber
Andrews	Berfield	Davis	Gibson
Argenziano	Betancourt	Detert	Goodlette
Arza	Bilirakis	Diaz-Balart	Gottlieb
Attkisson	Bowen	Dockery	Gottlieb
Atwater	Brown	Farkas	Greenstein
Ausley	Brummer	Fasano	Haridopolos
Baker	Brutus	Feeney	Harper
Barreiro	Bucher	Fields	Harrell
Baxley	Bullard	Fiorentino	Harrington
Bean	Byrd	Flanagan	Hart
Bendross-Mindingall	Cantens	Gannon	Henriquez

Heyman	Lacasa	Murman	Seiler
Hogan	Lee	Needelman	Siplin
Holloway	Lerner	Negron	Slosberg
Jennings	Littlefield	Paul	Smith
Johnson	Lynn	Peterman	Sobel
Jordan	Machek	Pickens	Sorensen
Joyner	Mack	Prieguez	Spratt
Justice	Mahon	Rich	Stansel
Kallinger	Mayfield	Richardson	Trovillion
Kendrick	Maygarden	Ritter	Wallace
Kilmer	McGriff	Romeo	Waters
Kosmas	Meadows	Ross	Weissman
Kottkamp	Mealor	Rubio	Wiles
Kravitz	Melvin	Russell	Wilson
Kyle	Miller	Ryan	Wishner

Nays—2

Carassas Frankel

Votes after roll call:

Yeas—Diaz de la Portilla

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

HB 1395—A bill to be entitled An act relating to the exclusionary rule; creating s. 90.959, F.S.; providing legislative findings regarding the Division of Driver Licenses and the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles; providing legislative findings regarding records maintained by the divisions; providing legislative findings regarding the missions of the divisions and the department; providing legislative findings regarding the application of the exclusionary rule; prohibiting the exclusion of evidence in certain circumstances; amending s. 322.20, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 322, F.S., shall not be considered law enforcement functions; amending s. 320.05, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 320, F.S., shall not be considered law enforcement functions; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 397

Yeas—115

The Chair	Cantens	Haridopolos	Lynn
Alexander	Carassas	Harper	Machek
Allen	Clarke	Harrell	Mack
Andrews	Crow	Harrington	Mahon
Argenziano	Cusack	Hart	Mayfield
Arza	Davis	Henriquez	Maygarden
Atwater	Detert	Heyman	McGriff
Ausley	Diaz-Balart	Hogan	Meadows
Baker	Dockery	Holloway	Mealor
Barreiro	Farkas	Jennings	Melvin
Baxley	Fasano	Johnson	Miller
Bean	Feeney	Jordan	Murman
Bendross-Mindingall	Fields	Joyner	Needelman
Bennett	Fiorentino	Justice	Negron
Bense	Flanagan	Kallinger	Paul
Benson	Frankel	Kendrick	Peterman
Berfield	Gannon	Kilmer	Pickens
Bilirakis	Green	Kosmas	Prieguez
Bowen	Gardiner	Kottkamp	Rich
Brown	Gelber	Kravitz	Ritter
Brummer	Gibson	Kyle	Romeo
Brutus	Goodlette	Lacasa	Ross
Bucher	Gottlieb	Lee	Rubio
Bullard	Green	Lerner	Russell
Byrd	Greenstein	Littlefield	Ryan

Seiler	Sobel	Trovillion	Wiles
Siplin	Sorensen	Wallace	Wilson
Slosberg	Spratt	Waters	Wishner
Smith	Stansel	Weissman	

Nays—2

Betancourt Richardson

Votes after roll call:

Yeas—Diaz de la Portilla

Nays to Yeas—Betancourt, Richardson

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

CS/CS/HB 617 was taken up. On motion by Rep. Harper, the rules were waived and—

CS for SB 322—A bill to be entitled An act relating to the disposition of offenders; amending s. 944.1905, F.S.; requiring that certain inmates who are less than a specified age be placed in specific correctional facilities and housed in separate dormitories; requiring that the Department of Corrections report to the Legislature on its compliance with housing youthful offenders; requiring that certain inmates who are less than a specified age and who have no prior juvenile adjudication be placed in facilities for youthful offenders; providing for the reassignment of an inmate to the general population if the inmate threatens the safety of other inmates or correctional staff; amending s. 921.0021, F.S.; redefining the term “prior record” to extend the time during which the disposition of certain juvenile offenses are included in an offender’s record; providing an effective date.

—was substituted for CS/CS/HB 617 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Harper, the rules were waived and CS for SB 322 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 398

Yeas—115

The Chair	Crow	Holloway	Needelman
Alexander	Cusack	Jennings	Negron
Allen	Davis	Johnson	Peterman
Andrews	Detert	Jordan	Pickens
Argenziano	Diaz-Balart	Joyner	Prieguez
Arza	Dockery	Justice	Rich
Attkisson	Farkas	Kallinger	Richardson
Atwater	Fasano	Kendrick	Ritter
Ausley	Feeney	Kilmer	Romeo
Baker	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Bean	Flanagan	Kravitz	Russell
Bendross-Mindingall	Frankel	Kyle	Ryan
Bennett	Gannon	Lacasa	Seiler
Bense	Garcia	Lee	Siplin
Benson	Gardiner	Lerner	Slosberg
Berfield	Gelber	Littlefield	Smith
Betancourt	Gibson	Lynn	Sobel
Bilirakis	Goodlette	Machek	Sorensen
Bowen	Gottlieb	Mack	Spratt
Brown	Green	Mahon	Stansel
Brummer	Greenstein	Mayfield	Trovillion
Brutus	Haridopolos	Maygarden	Wallace
Bucher	Harper	McGriff	Waters
Bullard	Harrell	Meadows	Weissman
Byrd	Harrington	Mealor	Wiles
Cantens	Hart	Melvin	Wilson
Carassas	Henriquez	Miller	Wishner
Clarke	Heyman	Murman	

Nays—None

Votes after roll call:

Yeas—Diaz de la Portilla

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

Consideration of **CS for CS for SB 1346** was temporarily postponed under Rule 11.10.

Consideration of **HB 1861** was temporarily postponed under Rule 11.10.

CS for SB 232—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding materials, compounds, mixtures, or preparations containing certain limited quantities of hydrocodone to the substances listed under Schedule III as controlled substances; providing direction on which law appertains to the weighing of hydrocodone for the purpose of charging trafficking in hydrocodone; amending s. 893.135, F.S.; providing penalties for trafficking in certain mixtures containing hydrocodone; clarifying legislative intent regarding the weighing of a mixture or mixtures containing certain controlled substances; providing findings regarding judicial constructions of legislative intent; reenacting s. 893.02(14), F.S., relating to a definition of mixtures, to incorporate the amendment in s. 893.135, F.S., in reference thereto; amending s. 948.01, F.S.; authorizing drug offender probation only for those offenders being sentenced for certain drug possession offenses or drug purchase offenses; reenacting s. 921.0022(3)(b), (c), and (e), F.S., relating to the offense severity ranking chart in the Criminal Punishment Code, to incorporate the amendment in s. 893.03, F.S., in references thereto; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 399

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Diaz-Balart	Joyner	Rich
Argenziano	Dockery	Justice	Richardson
Arza	Farkas	Kallinger	Ritter
Attkisson	Fasano	Kendrick	Romeo
Atwater	Feeney	Kilmer	Ross
Ausley	Fields	Kosmas	Rubio
Baker	Fiorentino	Kottkamp	Russell
Barreiro	Flanagan	Kyle	Ryan
Baxley	Frankel	Lacasa	Seiler
Bean	Gannon	Lee	Simmons
Bendross-Mindingall	Garcia	Lerner	Siplin
Bennett	Gardiner	Littlefield	Slosberg
Bense	Gelber	Lynn	Smith
Benson	Gibson	Machek	Sobel
Berfield	Goodlette	Mack	Sorensen
Betancourt	Gottlieb	Mahon	Spratt
Bilirakis	Green	Mayfield	Stansel
Bowen	Greenstein	Maygarden	Trovillion
Brown	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

Votes after roll call:

Yeas—Detert, Diaz de la Portilla

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

HB 1861—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 400

Yeas—112

The Chair	Clarke	Heyman	Needelman
Alexander	Rowe	Hogan	Negron
Allen	Cusack	Holloway	Paul
Andrews	Davis	Jennings	Peterman
Argenziano	Detert	Johnson	Pickens
Arza	Diaz-Balart	Jordan	Rich
Attkisson	Dockery	Joyner	Richardson
Atwater	Farkas	Justice	Ritter
Ausley	Fasano	Kallinger	Romeo
Baker	Feeney	Kendrick	Ross
Barreiro	Fields	Kosmas	Rubio
Bean	Fiorentino	Kottkamp	Russell
Bendross-Mindingall	Flanagan	Kravitz	Ryan
Bennett	Frankel	Kyle	Seiler
Bense	Gannon	Lacasa	Siplin
Benson	Gardiner	Lee	Slosberg
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sobel
Bilirakis	Goodlette	Lynn	Sorensen
Bowen	Gottlieb	Machek	Spratt
Brown	Green	Mack	Stansel
Brummer	Greenstein	Mahon	Trovillion
Brutus	Haridopolos	Mayfield	Wallace
Bucher	Harper	McGriff	Waters
Bullard	Harrell	Meadows	Weissman
Byrd	Harrington	Mealor	Wiles
Cantens	Hart	Miller	Wilson
Carassas	Henriquez	Murman	Wishner

Nays—None

Votes after roll call:

Yeas—Diaz de la Portilla, Kilmer

So the bill passed, as amended, by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

Special Orders

Continuation of Special Order Calendar

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Diaz-Balart to adopt Amendment 1 to Amendment 1.

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

Representative(s) Diaz-Balart offered the following:

(Amendment Bar Code: 802491)

Amendment 2 to Amendment 1 (with title amendment)—On page 1, between lines 17 and 18, of the amendment

insert:

Section 1. Paragraph (a) of subsection (3) of section 231.40, Florida Statutes, is amended to read:

231.40 Sick leave.—

(3) PROVISIONS GOVERNING SICK LEAVE.—The following provisions shall govern sick leave:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis ~~is shall be~~ entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which ~~may shall~~ not be used ~~before prior to the time~~ it is earned and credited to the member. Each other employee shall be credited with 4 days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for 1 day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which ~~may shall~~ not be used ~~before prior to the time~~ it is earned and credited to the employee. However, each member of the instructional staff and each other employee ~~is shall be~~ entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. If the employee terminates his or her employment and has not accrued the 4 ~~sick~~ days of sick leave available to him or her, the district school board may withhold the average daily amount for the ~~days of sick leave used~~ ~~days utilized~~ but unearned by the employee. Such leave ~~may shall~~ be taken only when necessary because of sickness as ~~herein~~ prescribed in this section. The sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A district school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons ~~shall~~ be charged only to accrued sick leave, and leave for personal reasons ~~is shall be~~ noncumulative.

3. District school boards may adopt rules permitting the annual payment for accumulated sick leave that is earned for that year and that is unused at the end of the school year, based on the daily rate of pay of the employee multiplied by up to 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance. Such annual payment may apply only to instructional staff and educational support employees.

4. A district school board may establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his or her beneficiary. However, such terminal pay ~~may shall~~ not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During the next 3 years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent times the number of days of accumulated sick leave.

5. A district school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary. ~~However, for such employees hired on or after July 1, 1995,~~

a. Terminal pay ~~may shall~~ not exceed ~~an amount determined as follows:~~

~~a. one-fourth of all unused sick leave accumulated on or after July 1, 2001, and may 1995; however, terminal pay allowable for such accumulated sick leave shall not exceed a maximum of 60 days of actual payment. This limit does not impair any contractual agreement established before July 1, 2001; however, a previously established contract renewed on or after July 1, 2001, constitutes a new contract.~~

b. For unused sick leave accumulated ~~before prior to~~ July 1, 2001 ~~1995~~, terminal payment shall be made pursuant to a district school board's policies, contracts, or rules that ~~which~~ are in effect on June 30, 2001 ~~July 1, 1995~~.

c. *If an employee has an accumulated sick leave balance of 60 days of actual payment or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal-pay purposes until the accumulated leave balance for leave earned before July 1, 2001, is less than 60 days.*

And the title is amended as follows:

On page 80, lines 11 and 12, of the amendment remove: all of said lines

and insert in lieu thereof: An act relating to education; amending s. 231.40, F.S.; 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. 231.621, F.S.;

Rep. Diaz-Balart moved the adoption of the amendment to the amendment.

THE SPEAKER IN THE CHAIR

Point of Order

Rep. Heyman raised a point of order, under Rule 12.9, that the amendment was not germane.

Subsequently, Rep. Heyman withdrew the point of order.

The question recurred on the adoption of Amendment 2 to Amendment 1, which was withdrawn.

Further consideration of **SB 1162**, with pending amendment, was temporarily postponed under Rule 11.10.

On motion by Rep. Byrd, the House moved to the consideration of CS for CS for SB 1346 on Special Orders.

CS for CS for SB 1346—A bill to be entitled An act relating to behavioral health care service; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in

consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; providing an effective date.

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

Session Vote Sequence: 401

Yeas—113

Alexander	Crow	Jennings	Peterman
Allen	Cusack	Johnson	Pickens
Andrews	Davis	Jordan	Prieguez
Argenziano	Detert	Joyner	Rich
Arza	Diaz de la Portilla	Justice	Richardson
Atwater	Diaz-Balart	Kallinger	Ritter
Ausley	Dockery	Kendrick	Romeo
Baker	Farkas	Kilmer	Ross
Ball	Fasano	Kosmas	Rubio
Barreiro	Fields	Kottkamp	Russell
Baxley	Fiorentino	Kravitz	Ryan
Bean	Flanagan	Kyle	Seiler
Bendross-Mindingall	Frankel	Lacasa	Simmons
Bennett	Gannon	Lee	Siplin
Bense	Gardiner	Lerner	Slosberg
Benson	Gelber	Littlefield	Smith
Berfield	Gibson	Lynn	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Spratt
Bowen	Green	Mahon	Stansel
Brown	Greenstein	Mayfield	Trovillion
Brummer	Haridopolos	Maygarden	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wilson
Byrd	Henriquez	Miller	Wishner
Cantens	Heyman	Murman	
Carassas	Hogan	Needelman	
Clarke	Holloway	Paul	

Nays—None

Votes after roll call:

Yeas—McGriff

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

Continuation of Bills and Joint Resolutions on Third Reading

HB 163—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.04, F.S.; providing an exemption for admissions to tournament games played for the purpose of qualifying for a national collegiate championship game or played in a collegiate athletic conference championship tournament; amending s. 212.08, F.S.; providing that publicly owned facilities within certain municipalities at which a collegiate football team is based may use the proceeds of sales taxes generated by the facility for the purpose of renovating the facility; providing for reporting and remitting of such taxes; providing effective dates.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 595619)

Technical Amendment 6—On page 1, line 12, remove from the bill: may

and insert in lieu thereof: shall

and on page 1, line 14, after “renovating”

insert: and expanding

and on page 1, line 15, after the semicolon

insert: providing for expiration; providing for reimbursement of retained sales taxes to the state under certain conditions;

Rep. Prieguez moved the adoption of the amendment, which was adopted.

The question recurred on the passage of HB 163. The vote was:

Session Vote Sequence: 402

Yeas—81

The Chair	Cantens	Heyman	Negron
Allen	Carassas	Hogan	Pickens
Andrews	Clarke	Holloway	Prieguez
Argenziano	Crow	Johnson	Ritter
Arza	Davis	Jordan	Rubio
Attkisson	Diaz de la Portilla	Kendrick	Russell
Atwater	Diaz-Balart	Kilmer	Ryan
Baker	Farkas	Kosmas	Seiler
Ball	Fasano	Kottkamp	Simmons
Barreiro	Fiorentino	Kravitz	Siplin
Baxley	Flanagan	Kyle	Slosberg
Bean	Garcia	Lacasa	Sobel
Bendross-Mindingall	Gardiner	Littlefield	Sorensen
Bense	Gelber	Lynn	Spratt
Benson	Goodlette	Mack	Stansel
Berfield	Green	Mahon	Trovillion
Betancourt	Greenstein	Maygarden	Wallace
Bilirakis	Haridopolos	McGriff	Waters
Brummer	Harrell	Mealor	
Brutus	Hart	Melvin	
Bullard	Henriquez	Needelman	

Nays—30

Alexander	Dockery	Kallinger	Romeo
Ausley	Fields	Lerner	Ross
Bennett	Frankel	Machek	Smith
Bowen	Gannon	Meadows	Weissman
Brown	Gibson	Miller	Wilson
Bucher	Jennings	Peterman	Wishner
Cusack	Joyner	Rich	
Detert	Justice	Richardson	

Votes after roll call:

Yeas—Gottlieb

Nays—Murman

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

Special Orders

Continuation of Special Order Calendar

CS for SB 1012—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.; changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria,

requirements, procedures, and limitations for energy performance contracts; providing for program administration and contract review by the Department of Management Services and the Office of the Comptroller; providing an effective date.

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

Session Vote Sequence: 403

Yeas—116

The Chair	Crow	Hogan	Murman
Alexander	Cusack	Holloway	Needelman
Allen	Davis	Jennings	Negron
Andrews	Detert	Johnson	Peterman
Argenziano	Diaz de la Portilla	Jordan	Pickens
Arza	Diaz-Balart	Joyner	Prieguez
Attkisson	Dockery	Justice	Rich
Baker	Farkas	Kallinger	Richardson
Ball	Fasano	Kendrick	Ritter
Barreiro	Fields	Kilmer	Romeo
Baxley	Fiorentino	Kosmas	Ross
Bean	Flanagan	Kottkamp	Rubio
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lee	Simmons
Berfield	Gelber	Lerner	Siplin
Betancourt	Gibson	Littlefield	Slosberg
Bilirakis	Goodlette	Lynn	Smith
Bowen	Gottlieb	Machek	Sobel
Brown	Green	Mack	Sorensen
Brummer	Greenstein	Mahon	Spratt
Brutus	Haridopolos	Mayfield	Stansel
Bucher	Harper	Maygarden	Trovillion
Bullard	Harrell	McGriff	Wallace
Byrd	Harrington	Meadows	Waters
Cantens	Hart	Mealor	Weissman
Carassas	Henriquez	Melvin	Wilson
Clarke	Heyman	Miller	Wishner

Nays—1

Ausley

Votes after roll call:

Yeas—Wiles

Nays to Yeas—Ausley

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

CS for CS for SB 2092—A bill to be entitled An act relating to health care; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county’s financial responsibility for such hospital care; requiring the county of residence to accept the hospital’s documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; amending s. 381.0403, F.S.; transferring the community hospital education program from the Board of Regents to the Department of Health; prescribing membership of a committee reporting on graduate medical education; amending s. 409.908, F.S.; revising provisions relating to the reimbursement of Medicaid providers to conform to the transfer of the Community Hospital Education Program from the Board of Regents to the Department of Health; providing for the certification of local matching funds; providing requirements for the distribution of federal funds earned as a result of local matching funds; requiring an impact statement; providing rulemaking authority to the Department of Health; amending s. 409.911, F.S.; redefining the term “charity care” or

“uncompensated charity care” for purposes of the disproportionate share program; amending s. 409.9117, F.S.; revising eligibility criteria for payments under the primary care disproportionate share program; amending s. 409.912, F.S.; extending the duration of certain demonstration projects to test Medicaid direct contracting; providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient’s medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer’s nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

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

Session Vote Sequence: 404

Yeas—120

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Pickens
Arza	Diaz de la Portilla	Joyner	Prieguez
Attkisson	Diaz-Balart	Justice	Rich
Atwater	Dockery	Kallinger	Richardson
Ausley	Farkas	Kendrick	Ritter
Baker	Fasano	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner

Nays—None

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

Consideration of **HB 1931** was temporarily postponed under Rule 11.10.

CS for SB 2034—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing procedures and requirements for appointing limited proxies; providing an effective date.

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

Session Vote Sequence: 405

Yeas—117

The Chair	Crow	Johnson	Peterman
Alexander	Cusack	Jordan	Pickens
Allen	Davis	Joyner	Prieguez
Andrews	Detert	Justice	Rich
Argenziano	Diaz de la Portilla	Kallinger	Richardson
Arza	Diaz-Balart	Kendrick	Ritter
Attkisson	Dockery	Kilmer	Romeo
Atwater	Farkas	Kosmas	Ross
Ausley	Fasano	Kottkamp	Rubio
Ball	Fields	Kravitz	Russell
Barreiro	Fiorentino	Kyle	Ryan
Baxley	Flanagan	Lacasa	Seiler
Bean	Frankel	Lee	Simmons
Bendross-Mindingall	Gannon	Lerner	Siplin
Bennett	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gibson	Machek	Sobel
Berfield	Goodlette	Mack	Sorensen
Betancourt	Gottlieb	Mahon	Spratt
Bilirakis	Green	Mayfield	Stansel
Bowen	Greenstein	Maygarden	Trovillion
Brown	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Hogan	Needelman	
Carassas	Holloway	Negron	
Clarke	Jennings	Paul	

Nays—None

Votes after roll call:

Yeas—Gelber, Heyman

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

On motion by Rep. Lacasa, the House moved to the consideration of **HB 1931**.

Bills and Joint Resolutions on Third Reading

Consideration of **HB 1931** was temporarily postponed under Rule 11.10.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

HB 1669 was taken up. On motion by Rep. Gibson, the rules were waived and—

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing an effective date.

—was substituted for **HB 1669** and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Gibson, the rules were waived and **SB 1394** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 406

Yeas—120

The Chair	Clarke	Heyman	Needelman
Alexander	Crow	Hogan	Negron
Allen	Cusack	Holloway	Paul
Andrews	Davis	Jennings	Peterman
Argenziano	Detert	Johnson	Pickens
Arza	Diaz de la Portilla	Jordan	Prieguez
Attkisson	Diaz-Balart	Joyner	Rich
Atwater	Dockery	Justice	Richardson
Ausley	Farkas	Kallinger	Ritter
Baker	Fasano	Kendrick	Romeo
Ball	Feeney	Kilmer	Ross
Barreiro	Fields	Kosmas	Rubio
Baxley	Fiorentino	Kottkamp	Russell
Bean	Flanagan	Kravitz	Ryan
Bendross-Mindingall	Frankel	Kyle	Seiler
Bennett	Gannon	Lacasa	Simmons
Bense	Garcia	Lee	Siplin
Benson	Gardiner	Lerner	Slosberg
Berfield	Gelber	Littlefield	Smith
Betancourt	Gibson	Lynn	Sobel
Bilirakis	Goodlette	Machek	Sorensen
Bowen	Gottlieb	Mack	Spratt
Brown	Green	Mahon	Stansel
Brummer	Greenstein	Mayfield	Trovillion
Brutus	Haridopolos	McGriff	Wallace
Bucher	Harper	Meadows	Waters
Bullard	Harrell	Mealor	Weissman
Byrd	Harrington	Melvin	Wiles
Cantens	Hart	Miller	Wilson
Carassas	Henriquez	Murman	Wishner

Nays—None

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

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

—was read the third time by title.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 600455)

Amendment 1—On page 6, lines 4 and 5, remove from the bill: all of said lines

and insert in lieu thereof:

Section 4. This act shall take effect October 1, 2001.

Rep. Stansel moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/CS/HB 719. The vote was:

Session Vote Sequence: 407

Yeas—118

The Chair	Argenziano	Ausley	Baxley
Alexander	Arza	Baker	Bean
Allen	Attkisson	Ball	Bendross-Mindingall
Andrews	Atwater	Barreiro	Bennett

Bense	Fiorentino	Kallinger	Rich
Benson	Flanagan	Kendrick	Richardson
Berfield	Frankel	Kilmer	Ritter
Betancourt	Gannon	Kosmas	Romeo
Bilirakis	Garcia	Kottkamp	Ross
Bowen	Gardiner	Kravitz	Rubio
Brown	Gelber	Kyle	Russell
Brummer	Gibson	Lee	Ryan
Brutus	Goodlette	Lerner	Seiler
Bucher	Gottlieb	Littlefield	Simmons
Bullard	Green	Lynn	Siplin
Byrd	Greenstein	Machek	Slosberg
Cantens	Haridopolos	Mack	Smith
Carassas	Harper	Mahon	Sobel
Clarke	Harrell	Mayfield	Sorensen
Crow	Harrington	McGriff	Spratt
Cusack	Hart	Meadows	Stansel
Davis	Henriquez	Mealor	Trovillion
Detert	Heyman	Melvin	Wallace
Diaz de la Portilla	Hogan	Miller	Waters
Diaz-Balart	Holloway	Murman	Weissman
Dockery	Jennings	Needelman	Wiles
Farkas	Johnson	Negron	Wilson
Fasano	Jordan	Peterman	Wishner
Feeney	Joyner	Pickens	
Fields	Justice	Prieguez	

Nays—None

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

CS/HB 1541—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term “economic development agency” to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; extending the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 408

Yeas—116

The Chair	Betancourt	Feeney	Henriquez
Alexander	Bilirakis	Fields	Heyman
Allen	Bowen	Fiorentino	Hogan
Andrews	Brown	Flanagan	Holloway
Argenziano	Brummer	Frankel	Jennings
Arza	Brutus	Gannon	Johnson
Attkisson	Bullard	Garcia	Jordan
Atwater	Byrd	Gardiner	Joyner
Ausley	Cantens	Gelber	Justice
Baker	Clarke	Gibson	Kallinger
Ball	Crow	Goodlette	Kendrick
Barreiro	Cusack	Gottlieb	Kilmer
Baxley	Davis	Green	Kosmas
Bean	Detert	Greenstein	Kottkamp
Bendross-Mindingall	Diaz de la Portilla	Haridopolos	Kravitz
Bennett	Diaz-Balart	Harper	Kyle
Bense	Dockery	Harrell	Lacasa
Benson	Farkas	Harrington	Lee
Berfield	Fasano	Hart	Littlefield

Lynn	Murman	Romeo	Sorensen
Machek	Needelman	Ross	Spratt
Mack	Negron	Rubio	Stansel
Mahon	Paul	Russell	Trovillion
Mayfield	Peterman	Ryan	Wallace
McGriff	Pickens	Seiler	Waters
Meadows	Prieguez	Simmons	Weissman
Mealor	Rich	Slosberg	Wiles
Melvin	Richardson	Smith	Wilson
Miller	Ritter	Sobel	Wishner

Nays—3

Bucher	Carassas	Lerner
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So the bill passed and was immediately certified to the Senate.

HB 1585—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for social security numbers and financial account numbers which are contained in reports to the Department of Banking and Finance under s. 717.117, F.S.; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 409

Yeas—115

Alexander	Cusack	Hogan	Negron
Allen	Davis	Holloway	Peterman
Andrews	Detert	Jennings	Pickens
Argenziano	Diaz de la Portilla	Johnson	Prieguez
Arza	Diaz-Balart	Jordan	Rich
Attkisson	Dockery	Joyner	Richardson
Atwater	Farkas	Justice	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Bean	Flanagan	Kravitz	Ryan
Bendross-Mindingall	Frankel	Kyle	Seiler
Bennett	Gannon	Lacasa	Simmons
Bense	Garcia	Lee	Siplin
Benson	Gardiner	Lerner	Slosberg
Berfield	Gelber	Littlefield	Smith
Betancourt	Gibson	Lynn	Sobel
Bilirakis	Goodlette	Machek	Sorensen
Bowen	Gottlieb	Mack	Spratt
Brown	Green	Mahon	Stansel
Brummer	Greenstein	Mayfield	Trovillion
Brutus	Haridopolos	McGriff	Wallace
Bucher	Harper	Meadows	Waters
Bullard	Harrell	Mealor	Weissman
Byrd	Harrington	Melvin	Wiles
Cantens	Hart	Miller	Wilson
Clarke	Henriquez	Murman	Wishner
Crow	Heyman	Needelman	

Nays—2

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

HB 1681 was taken up. On motion by Rep. Miller, the rules were waived and—

CS for SB 2042—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term “new construction”; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a

permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator’s certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; amending s. 482.242, F.S.; providing additional exceptions to the state’s preemption of pest-control regulation; providing an effective date.

—was substituted for HB 1681 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

Representative(s) Miller offered the following:

(Amendment Bar Code: 255577)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsections (18) through (27) of section 482.021, Florida Statutes, are redesignated as subsections (19) through (28), respectively, and a new subsection (18) is added to that section, to read:

482.021 Definitions.—For the purposes of this chapter, and unless otherwise required by the context, the term:

(18) “New construction” means the erection of a new building or the construction of an addition to an existing building, which encloses a space and requires a building permit under applicable building codes.

Section 2. Subsection (6) is added to section 482.051, Florida Statutes, 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:

(6) That the department may issue an immediate stop-use or stop-work order for fumigation performed in violation of fumigant label requirements or department rules, or in a manner that presents an immediate serious danger to the health, safety, or welfare of the public, including, but not limited to, failure to use required personal protective equipment, failure to use a required warning agent, failure to post required warning signs, failure to secure a structure’s usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment.

Section 3. Section 482.0815, Florida Statutes, is created to read:

482.0815 Permit to perform preventive termite treatment services for new construction only.—

(1) A licensee must have a permit to perform preventive termite treatments for new construction, except for preventive termite treatments on additions to existing structures for which the licensee has a current termite treatment contract.

(2) A permit shall be automatically renewed upon renewal of the license held by the licensee, unless the permit has been suspended, revoked, or otherwise denied.

(3) A permit shall be probationary for 120 days after a licensee is found to be in violation of s. 482.051(5) or a rule relating to the application of specific amounts, concentrations, and treatment areas, except for provisions governing recordkeeping. A licensee whose permit is on probationary status must provide advance notice to the department of any preventive treatment planned for new construction.

(4) A licensee's permit shall be suspended for a 30-day to 90-day period if:

(a) The licensee whose permit is on probationary status violates s. 482.051(5) or a rule relating to the application of specific amounts, concentrations, or treatment areas, except for provisions governing recordkeeping, at three or more sites on three or more separate dates;

(b) The licensee violates s. 482.051(3) or a rule with respect to three contracts within 2 years and the violation is failure to comply with contractual obligations to re-treat a wood-destroying-organism infestation or to repair damage caused by wood-destroying organisms when required by the contract. If a licensee makes a good-faith offer to repair damage covered by a valid contract, the licensee must be considered to be in compliance with the contractual obligation;

(c) The licensee violates subsection (9); or

(d) The licensee violates the recordkeeping requirements of s. 482.051(5) three or more times within 2 years.

(5) A suspended permit may be reinstated after the period of the suspension if the licensee's license is in good standing.

(6) The permit of a licensee whose permit has been suspended within the previous 3 years shall be revoked if the licensee subsequently meets any of the conditions of subsection (4).

(7) The department may not issue a permit or renew the permit to perform preventive termite treatments if the applicant or licensee or any of its directors, officers, owners, or general partners are or were directors, officers, owners, or general partners of a pest control business that went out of business or sold the business within 5 years immediately preceding the date of application or renewal and failed to reimburse the prorated renewal fee of any customer's remaining wood-destroying-organism contract periods or failed to provide for another licensed pest control operator to assume its existing wood-destroying-organism contract responsibility.

(8) A licensee must conspicuously display its current permit at all business locations, each of which must have a separate permit.

(9) A licensee holding a permit must maintain accurate records of all pesticides purchased, obtained, or available for its use; the total amount of the area treated using soil applied termiticides; and the total number of sites treated using this and any other method of treatment. These records must be made available to the department upon request. The amount of pesticides purchased, obtained, or otherwise available must at least equal the amount required by the pesticide label to treat the area or number of sites treated.

(10) The department shall suspend the license of any licensee who performs preventive termite treatments for new construction while its permit is suspended or revoked.

(11) The department shall adopt rules necessary to administer this section.

Section 4. Subsection (10) is added to section 482.091, Florida Statutes, to read:

482.091 Employee identification cards.—

(10) In addition to the training required by s. 482.091(3), each identification cardholder must receive 4 hours of classroom training in pesticide safety, integrated pest management, and applicable federal and state laws and rules within 6 months after issuance of the card or must have received such training within 2 years before issuance of the card. Each cardholder must receive at least 2 hours of continuing training in pesticide safety, integrated pest management, and applicable federal and state laws and rules by the renewal date of the card. Certified operators who maintain their certificates in good standing are exempt from this subsection. The department shall adopt rules regarding verification of such training.

Section 5. Paragraph (b) of subsection (2) of section 482.132, Florida Statutes, is amended 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:

(b) A degree with advanced training or a major in entomology, botany, agronomy, or horticulture from a recognized college or university, which training or major included the completion of at least 20 semester hours or 30 quarter hours of college credits in those subjects, plus 1 year's employment as a service employee of a licensee that performs pest control in the category or categories in which the applicant seeks certification or the successful completion of a 1-year entomology program at a public university in this state which specializes in urban pest management and includes practical pest management experience. If such advanced training or major is in entomology, the applicant is qualified for examination in all categories; but if such advanced training or major is in botany, agronomy, or horticulture, the applicant is qualified for examination only in the category of lawn and ornamental pest control.

Section 6. Subsection (4) of section 482.161, Florida Statutes, is amended to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(4) Any charge of a violation of this chapter or of the rules adopted pursuant to this chapter by a licensee affects only the license or permit of the business location from which the violation is alleged to have occurred. Another license or permit may not be issued to the same licensee, or to any person who has an ownership interest in the suspended or revoked business license of the licensee and who knew or should have known of the violation that resulted in the suspension or revocation, for a new business location in the same county or any contiguous county for a period of 3 years after the effective date of the suspension or revocation.

Section 7. Subsection (1) of section 482.242, Florida Statutes, is amended to read:

482.242 Preemption.—

(1) This chapter is intended as comprehensive and exclusive regulation of pest control in this state. The provisions of this chapter preempt to the state all regulation of the activities and operations of pest control services, including the pesticides used pursuant to labeling and registration approved under chapter 487. No local government or political subdivision of the state may enact or enforce an ordinance that regulates pest control, except that the preemption in this section does not prohibit a local government or political subdivision from enacting an ordinance regarding any of the following:

(a) Local occupational licenses adopted pursuant to chapter 205.

(b) Land development regulations adopted pursuant to chapter 163 which include regulation of any aspect of development, including a subdivision, building construction, sign regulation or any other regulation concerning the development of land, or landscaping or tree protection ordinances which do not include pesticide application restrictions.

(c) Regulations that:

1. Require, for multi-complex dwellings in excess of 10 units, annual termite inspections for termite activity or damage, including Formosan termites, which must be performed by a person licensed under this chapter.

2. Require pest control treatments of structures that have termite activity or damage which must be performed by a person licensed under this chapter.

3. Require property owners or other persons to obtain inspections or pest control treatments performed by a person licensed under this chapter.

An ordinance by a local government or political subdivision which requires an annual inspection or pest control treatment must conform to current law.

(d)(e) Protection of wellhead protection areas and high recharge areas.

(e)(d) Hazardous materials reporting as set forth in part II of chapter 252, storage, and containment including as relating to stormwater management.

(f)(e) Hazardous material unlawful discharge and disposal.

(g)(f) Hazardous materials remediation.

Section 8. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, lines 3-24,
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 482.021, F.S.; defining the term “new construction”; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator’s certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; amending s. 482.242, F.S.; providing additional exceptions to the state’s preemption of pest control regulation; providing an effective date.

Rep. Miller moved the adoption of the amendment, which was adopted.

On motion by Rep. Miller, the rules were waived and CS for SB 2042, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 410

Yeas—119

Alexander	Carassas	Harrington	Meadows
Allen	Clarke	Hart	Mealor
Andrews	Crow	Henriquez	Melvin
Argenziano	Cusack	Heyman	Miller
Arza	Davis	Hogan	Murman
Attkisson	Detert	Holloway	Needelman
Atwater	Diaz de la Portilla	Jennings	Negron
Ausley	Diaz-Balart	Johnson	Paul
Baker	Dockery	Jordan	Peterman
Ball	Farkas	Joyner	Pickens
Barreiro	Fasano	Justice	Prieguez
Baxley	Feeney	Kallinger	Rich
Bean	Fields	Kendrick	Richardson
Bendross-Mindingall	Fiorentino	Kilmer	Ritter
Bennett	Flanagan	Kosmas	Romeo
Bense	Frankel	Kottkamp	Ross
Benson	Gannon	Kravitz	Rubio
Berfield	Garcia	Kyle	Russell
Betancourt	Gardiner	Lacasa	Ryan
Bilirakis	Gelber	Lee	Seiler
Bowen	Gibson	Lerner	Simmons
Brown	Goodlette	Littlefield	Siplin
Brummer	Gottlieb	Lynn	Slosberg
Brutus	Green	Machek	Smith
Bucher	Greenstein	Mack	Sobel
Bullard	Haridopolos	Mahon	Sorensen
Byrd	Harper	Mayfield	Spratt
Cantens	Harrell	McGriff	Stansel

Trovillion
Wallace

Waters
Weissman

Wiles
Wilson

Wishner

Nays—None

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

Consideration of **CS/HB 1189** was temporarily postponed under Rule 11.10.

CS/HBs 1617 & 1487—A bill to be entitled An act relating to growth management; creating s. 163.2524, F.S.; directing the Department of Community Affairs to compile a revitalization manual; amending 163.3174, F.S.; providing that all non-public schools shall be exempt from impact fees; providing for school board representation on the local planning agency; amending s. 163.3177, F.S.; conforming language; providing that an agricultural land use category shall be eligible for the location of public schools in a local government comprehensive plan in rural counties under certain conditions; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that a local government comprehensive plan include a public educational facilities element; providing that the state land planning agency establish a schedule for adoption of such elements; exempting certain municipalities from adopting such elements; requiring local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; specifying the effect of a local government’s failure to transmit such element according to the adopted schedule; creating s. 163.31777, F.S.; requiring that local governments consider the adequacy of public school facilities when considering certain comprehensive plan amendment and rezoning applications; providing duties of the school board; requiring denial of such applications under certain conditions; creating a Neighborhood School Construction Zone pilot project; providing for procedures; providing that impact fees within the zone must be place in a facilities construction trust fund for that zone; providing additional funding; provides that the Florida Smart Schools Clearinghouse oversees the pilot projects and that it must submit a report regarding the programs feasibility; amending s. 163.3180, F.S.; revising provisions relating to exceptions from the concurrency requirement for transportation facilities; requiring that such an exception be granted under certain conditions; amending s. 163.3181, F.S.; revising provisions relating to public participation in the comprehensive planning process; providing requirements for local governments’ citizen participation procedures; providing for assistance from the department; amending s. 163.3184, F.S.; revising the definition of “affected person”; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report; providing for priority review of certain amendments; clarifying language; providing that the agency shall not review an amendment certified as having no objections received; providing for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency’s notice of intent to find a plan or plan amendment in compliance or not in compliance; directing the agency to provide a model form; revising requirements relating to publication of the agency’s notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; revising requirements relating to small scale development amendments which

are exempt from the limitation on the frequency of amendments to a local comprehensive plan; revising acreage requirements; revising a condition relating to residential land use; removing a provision that allows a local government to elect to have such amendments subject to review under s. 163.3184(3)-(6), F.S.; amending s. 163.3191, F.S.; conforming language; creating s. 163.3198, F.S.; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of local government land use decisions; creating a commission to oversee development of fiscal impact models; providing for field tests of the models developed; providing for approval of a uniform model by the commission and submission of a report and recommendations to the Governor and Legislature; providing for a \$500,000 appropriation to the Department of Community Affairs to implement program; creating s. 163.3202(6); providing legislative intent regarding electric utilities and substations; providing prohibition on local governments regarding substations; prohibits denial of substation under certain conditions; amending s. 163.3215, F.S.; revising procedures for challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.356, F.S.; authorizing certain counties and municipalities to create more than one community redevelopment agency; amending s. 212.055, F.S.; increasing the maximum allowable combined rate for the local government infrastructure surtax and small county surtax; requiring referendum approval of the small county surtax at such increased combined rate; creating s. 163.325, F.S.; providing definitions; authorizing the department to provide specified types of financial assistance to local governments for infrastructure needs and providing requirements with respect thereto; requiring an annual report; providing application requirements; directing the department to adopt a priority system; providing penalties for delinquent loans; providing for management of loan funds; providing that a Local Government Infrastructure Revolving Loan Trust Fund shall be established and providing requirements with respect thereto; providing for rules; creating s. 163.3251, F.S.; creating the Florida Local Government Infrastructure Financing Corporation to assist the department in implementing financing activities and provide funding for such financial assistance; providing for termination of the corporation; providing for a board of directors; providing powers and duties of the corporation; providing requirements with respect to service contracts with the department; authorizing issuance of bonds and other obligations; providing an exemption from taxation; providing requirements for validating bonds; providing status of the corporation and applicability of laws; providing for contracts with the State Board of Administration; providing for audits; amending s. 199.292, F.S.; providing for deposit of a portion of intangible personal property tax proceeds in the Local Government Infrastructure Revolving Loan Trust Fund; amending s. 163.3244, F.S.; providing for a sustainable communities certification program in lieu of the sustainable communities demonstration project; revising requirements for certification agreements; providing that a certified local government shall assume review authority for certain developments of regional impact; revising programs to be emphasized in such areas and providing for certain funding priorities; revising report requirements; providing for renewal of local governments designated as a sustainable community demonstration project; eliminating the scheduled June 30, 2001, repeal of said section; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.061, F.S.; revising the date after which relocatables that fail to meet standards may not be used as classrooms; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be submitted as part of the district's educational facilities plan; providing that such surveys are deemed to meet state constitutional requirements, subject to State Board of Education approval; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing

definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for long-range planning; providing requirements for the district's facilities work program; providing for submission of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S.; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; requiring the school board to provide a local government certain information when it is considering certain comprehensive amendment or rezoning applications; revising requirements relating to school board responsibilities in planning with local governments; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending ss. 235.218, 235.321, and 236.25, F.S.; conforming language; amending s. 380.04, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing the rebuttable presumptions with respect to application of the statewide guidelines and standards and revising the fixed thresholds; revising application of thresholds for development allowed under a preliminary development agreement; revising the definition of an essentially built-out development of regional impact with respect to multiuse developments; providing for submission of biennial, rather than annual, reports by the developer; authorizing submission of a letter, rather than a report, under certain circumstances; providing for amendment of development orders with respect to report frequency; providing that an extension of the date of buildout of less than 7 years is not a substantial deviation; revising provisions relating to determination of whether a change constitutes a substantial deviation based on its percentage of the specified numerical criteria; revising notice requirements; providing that changes that are less than specified numerical criteria need not be submitted to the state land planning agency and specifying the agency's right to appeal with respect to such changes; deleting an exemption from review by the regional planning agency and state land planning agency for certain changes; amending s. 380.0651, F.S.; revising the guidelines and standards for attractions and recreation facilities, office development, retail and service development, and residential development; amending s. 333.06, F.S.; requiring each publicly owned licensed airport to prepare an airport master plan; requiring the entity which governs the operation of such an airport to submit copies of certain documents to all affected local governments; removing provisions which specify that certain changes in airport facilities, increases in the storage capacity for chemical or petroleum storage facilities, or development at a waterport constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; exempting proposed waterport development in certain counties from such requirements and providing application of such exemption to counties identified in s. 370.12(2)(f), F.S.; providing for maintenance of the exemption from development-of-regional-impact review for developments under s. 163.3245, F.S., relating to optional sector plans, if said section is repealed; exempting certain development or expansion of airports or airport-related development from development-of-regional-impact requirements; exempting development or expansion within certain areas from development-of-regional-impact requirements; repealing s. 380.0651(3)(a) and (e), F.S., which provide the development-of-regional-impact statewide guidelines and standards for airports and port facilities; providing application with respect to airports, marinas, and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; creating s. 570.70, F.S.; providing for future review and repeal of ss. 380.06 and 380.0651, F.S.; providing application with respect to developments which have received

a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on that future repeal date; directing the Legislative Committee on Intergovernmental Relations to study alternatives to the development-of-regional-impact process and provide a report; providing legislative findings; creating s. 570.71, F.S.; providing for the purchase of rural land protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for conservation easements, resource conservation agreements, and agricultural protection agreements; prescribing allowable land uses; requiring rulemaking; providing for an application process; providing for an option to purchase property; directing the department to seek funds from federal sources; providing a severability clause; providing an effective date.

—was read the third time by title.

Representative(s) Dockery and Alexander offered the following:

(Amendment Bar Code: 363067)

Amendment 3 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law. *Notwithstanding any special act to the contrary, no later than January 1, 2002, each local planning agency shall include a representative of the district school board as a member.* The governing body may designate itself as the local planning agency pursuant to this subsection, *with the addition of a representative of the school board.* The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by ~~district school boards and~~ applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

Section 2. Subsection (12) of section 163.3177, Florida Statutes, is repealed, and paragraphs (a) and (h) of subsection (6) and subsection (11) of said section are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for

residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community’s economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government’s ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. ~~Amendments An amendment~~ proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use *or for adopting or amending the school siting maps pursuant to s. 163.3177(6) are is* exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools, *and shall include criteria which encourage using elementary schools as focal points for neighborhoods to the extent possible. For schools serving predominantly rural counties, defined as a county with a population of less than 75,000, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.*

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan

shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

5. *Intergovernmental coordination between local governments and the district school board shall be governed by s. 163.31776 for local governments subject to the requirements of said section, and compliance with said section with respect to intergovernmental coordination is encouraged for local governments exempt from such requirements.*

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and

consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in rule 9J-5.006(5)(l), Florida Administrative Code.

2. *The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.*

3. *A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.*

4. *In selecting a local government, the department shall, by written agreement:*

a. *Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection.*

b. *Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.*

5. *The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization, including the extent to which the rural land stewardship area enhances rural land values; controls urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.*

6. *A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:*

a. *Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and*

habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and rule 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rule 9J-5.006(5)(l), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, the Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a statewide basis.

(e)(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)(e) The department may adopt rules necessary to shall implement the provisions of this subsection by rule.

Section 3. Section 163.31776, Florida Statutes, is created to read:

163.31776 Public educational facilities element.—

(1) The intent of the Legislature is:

(a) To establish a systematic process of sharing information between school boards and local governments on the growth and development trends in their communities in order to forecast future enrollment and school needs.

(b) To establish a systematic process for school boards and local governments to cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system population, including the needs placed on the public education

system as a result of growth and development decisions by local government.

(c) To establish a systematic process for local governments and school boards to cooperatively identify and meet the infrastructure needs of public schools to assure healthy school environments and safe school access.

(2) The Legislature finds that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in thousands of individual housing decisions which result in community growth trends.

(b) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(3) A public educational facilities element shall be adopted in cooperation with the applicable school district by all local governments meeting the criteria identified in paragraph (a). All local governments are encouraged to adopt a public educational facilities element regardless of whether they meet the criteria of paragraph (a) or are exempted by paragraph (c). The public educational facilities elements shall be transmitted no later than January 1, 2003, for those local governments initially meeting the criteria in paragraph (a).

(a) A local government must adopt a public educational facilities element if the local government is located in a county where:

1. The number of districtwide capital outlay full-time equivalent students is equal to 80 percent or more of the most current year's school capacity and the projected 5-year student growth is 1,000 students or greater; or

2. The projected 5-year student growth rate is 10 percent or greater.

(b) The Department of Education shall issue a report notifying the state land planning agency and each county and school district that meets the criteria specified in paragraph (a) on June 1 of each year. Local governments and school boards shall have 18 months following notification to comply with the requirements of this section.

(c) Each municipality within a county described in paragraph (a) shall adopt its own element or adopt a plan amendment accepting the public educational facilities element adopted by the county which includes the municipality's area of authority as defined by s. 163.3171. However, a municipality is exempt from this requirement if it does not contain a public school within its jurisdiction and none is scheduled in the 5-year district facilities work program of the school board's education facilities plan adopted pursuant to s. 235.185, and if the residents of the municipality have generated less than 50 additional public school students during the last 5 years. Any municipality exempt under this paragraph shall notify the county and the school board of any planned annexations into residential or proposed residential areas or other change in conditions which would render the municipality no longer eligible for exemption and shall comply with the provisions of this subsection no later than 1 year following a change in conditions which renders the municipality no longer eligible for exemption or no later than 1 year following the identification of a proposed public school in the school board's 5-year district facilities work program in the municipality's jurisdiction.

(d) The Department of Education and the Department of Community Affairs shall submit a report to the Governor, the President of the Senate, and Speaker of the House of Representatives by January 2003 that evaluates the criteria in paragraph (a) and makes any recommendations for changes to the criteria as needed to meet the intent of this part.

(4) No later than 6 months prior to the deadline for transmittal of a public educational facilities element, the county, the nonexempt municipalities, and the school board shall enter into an interlocal agreement which establishes a process to develop coordinated and consistent local government public educational facilities elements and district educational facilities plans, including a process:

(a) By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment.

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment.

(c) To ensure that school siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting, and to provide for early involvement by the local government as the school board identifies potential school sites.

(d) To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform countywide school facility planning system.

(e) For school district participation in the review of land use decisions which increase residential density and which are reasonably expected to have an impact on public school facility demand.

(f) For the resolution of disputes between the school district and local governments.

(5) The public educational facilities element shall be based on data and analysis, including the interlocal agreement required by subsection (4) and the educational facilities plan required by s. 235.185. All local government public educational facilities elements within a county shall be consistent with each other and shall address the following:

(a) The need for and strategies and commitments to address improvements to infrastructure, safety, and community conditions in areas proximate to existing public schools.

(b) The need for and strategies for the provision of adequate infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, and transportation, and the need for other actions to ensure safe access to schools, including provision of sidewalks, bicycle paths, turn lanes, and signalization.

(c) Collocation of other public facilities such as parks, libraries, and community centers with public schools.

(d) Location of schools proximate to residential areas and use of public schools to complement patterns of development, including using elementary schools as focal points for neighborhoods.

(e) Use of public schools as emergency shelters.

(f) Consideration of the existing and planned capacity of public schools when reviewing land use decisions.

(6) The future land use map series shall either incorporate maps which are the result of a collaborative process for identifying school sites and are adopted in the educational facilities plan promulgated by the school board pursuant to s. 235.185 showing the locations of existing public schools and the general locations of improvements to existing schools or construction of new schools anticipated over the 5-year, 10-year, and 20-year time periods, or such maps shall be data and analysis in support of the future land use map series. Maps indicating general locations of future schools or school improvements shall not be deemed to prescribe a land use on a particular parcel of land.

(7) The process for adoption of a public educational facilities element shall be as provided in s. 163.3184. The state land planning agency shall submit a copy of the proposed public school facilities element pursuant to the procedures outlined in s. 163.3184(4) to the Office of Educational Facilities of the Commissioner of Education for review and comment.

(8) The interlocal agreement must be entered into by the county, the school board, and the nonexempt municipalities within the county. If such parties cannot reach agreement, the matter shall be resolved by

binding arbitration through the regional planning council. The failure of such parties to enter into an interlocal agreement within 60 days after referral to binding arbitration shall result in the prohibition of the local governments' ability to amend the local comprehensive plan until the dispute is resolved. The failure of a school board to provide the required plans or information or to enter into the interlocal agreement under this subsection shall subject the school board to sanctions pursuant to s. 235.193(3). Any local government that has executed an interlocal agreement to implement school concurrency pursuant to the requirements of s. 163.3180 prior to the effective date of this section shall not be required to amend the public school element or any interlocal agreement to conform with the provisions of this section, if such amendment is ultimately determined to be in compliance.

(9) Nothing in this section prohibits a local government from using its home rule powers to deny a comprehensive plan amendment or rezoning.

Section 4. Subsection (13) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(13) School concurrency, if imposed by local option, shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in s. 163.31776(3)(c) ~~paragraph (f)~~, shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). School concurrency shall not become effective in a county until all local governments, except as provided in s. 163.31776(3)(c) ~~paragraph (f)~~, have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part. The minimum requirements for school concurrency are the following:

(a) ~~Public educational school facilities element.~~—A local government that elects to adopt public school concurrency shall adopt ~~and transmit to the state land planning agency~~ a plan or plan amendment which includes a public educational school facilities element which is consistent with the requirements of s. 163.31776(5) ~~163.3177(12)~~ and which is consistent with the following:

1. *The element shall be based on data and analyses that address how uniform, districtwide level-of-service standards for all schools of the same type will be achieved and maintained.*

2. *The element shall establish specific, measurable, intermediate ends that are achievable and mark progress toward the goal of school concurrency.*

3. *The element shall establish the way in which programs and activities will be conducted to achieve an identified goal.*

4. *The element shall address the procedure for an annual update process.*

5. *All local government public educational facilities elements which adopt public school concurrency within a county must be consistent with each other as well as the requirements of this part. Any local government that has executed an interlocal agreement for the purpose of implementing public school concurrency prior to the effective date of this section shall not be required to amend the public school facilities element or any interlocal agreement to conform with the provisions of s. 163.31776 if such element is ultimately determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.*

(b) Level-of-service standards.—The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

3. Local governments and school boards shall have the option to utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(c) Service areas.—The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level-of-service standards.

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to apply school concurrency to development on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide.

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified, included, and adopted as part of the comprehensive plan. Any subsequent change to the service area boundaries for purposes of a school concurrency system shall be by plan amendment and shall be exempt from the limitation on the frequency of plan amendments in s. 163.3187(1).

3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the development order shall be issued and mitigation measures shall not be exacted.

(d) Financial feasibility.—The Legislature recognizes that financial feasibility is an important issue because the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established

in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained.

2. Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3. When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.

(e) Availability standard.—Consistent with the public welfare, a local government may not deny a development permit authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local option school concurrency system where adequate school facilities will be in place or under actual construction within 3 years after permit issuance.

~~(f) Intergovernmental coordination.—~~

~~1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by s. 163.3177(6)(h)2. as a prerequisite for imposition of school concurrency, and as a nonsignatory, shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:~~

~~a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.~~

~~b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.~~

~~c. The municipality has no public schools located within its boundaries.~~

~~d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.~~

~~2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria. If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by s. 163.3177(6)(h)2., in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.~~

~~(f)(g) Interlocal agreement for school concurrency.—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement which satisfies the requirements in s. 163.3177(4) 163.3177(6)(h)1. and 2. and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of s. 163.3177(4) 163.3177(6)(h), the interlocal agreement shall meet the following requirements:~~

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

~~2. Establish a process by which each local government and the school board shall agree and base their plans on consistent projections of the amount, type, and distribution of population growth and coordinate and share information relating to existing and planned public school facilities projections and proposals for development and redevelopment, and infrastructure required to support public school facilities.~~

~~3. Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.~~

2.4. Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted levels-of-service standards.

3.5. Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

4.6. Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.

5.7. Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements;

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and

c. The monitoring and evaluation of the school concurrency system.

6.8. Include provisions relating to termination, suspension, and amendment of the agreement. The agreement shall provide that if the agreement is terminated or suspended, the application of school concurrency shall be terminated or suspended.

Section 5. Paragraph (b) of subsection (1) of section 163.3184, Florida Statutes, is amended, and, effective October 1, 2001, subsections (3), (4), (6), (7), (8), and (15) and paragraph (d) of subsection (16) of said section are amended, to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

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

(b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.31776, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where

such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern.

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(a) Each local governing body shall transmit the complete proposed comprehensive plan or plan amendment to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State*, and the Department of Transportation, *and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services*, immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency's procedural rules. *If the plan or plan amendment includes or relates to the public educational facilities element required by s. 163.31776, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment.* The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. *The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of transmittal of an amendment.*

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency's procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State*, and the Department of Transportation, *and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services*, the materials specified in the state land planning agency's procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

(c) A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection, unless review is requested or otherwise initiated pursuant to subsection (6).

(d) In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

(4) INTERGOVERNMENTAL REVIEW.—~~If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Protection, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. The~~ These governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. The appropriate

regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.—

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. *The request from the regional planning council or affected person must be if the request is received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). The agency shall issue a report of its objections, recommendations, and comments regarding the proposed plan amendment.* A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made, if the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within ~~35~~ 30 days after receipt by the state land planning agency of transmittal of the complete proposed plan amendment pursuant to subsection (3).

(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). *If the state land planning agency elects to review the amendment or the agency is required to review the amendment as specified in paragraph (a), the agency shall issue a report of its objections, recommendations, and comments regarding the proposed amendment within 60 days after receipt of the complete proposed amendment by the state land planning agency. Proposed comprehensive plan amendments from small counties or rural communities for the purpose of job creation, economic development, or strengthening and diversifying the economy shall receive priority review by the state land planning agency. The state land planning agency shall have 30 days to review comments from the various government agencies along with a local government's comprehensive plan or plan amendment. During that period, the state land planning agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications.* When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.

(d) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.—

(a) The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the complete adopted comprehensive plan or ~~adopted~~ plan amendment to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption, including the names and addresses of persons compiled pursuant to paragraph (15)(c). The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(b) A local government that has adopted a comprehensive plan amendment to which no timely written objection from the state land planning agency, any agency, any government, or any person has been received may submit the comprehensive plan amendment and a certification to the state land planning agency within 10 days after adoption of the comprehensive plan amendment. This certification must certify that the adopted comprehensive plan amendment did not differ from the proposed comprehensive plan amendment submitted pursuant to subsection (3), and that no timely objections were received.

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's complete adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or
2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b) During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government and to persons who request notice. ~~The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)(e)(e) and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state~~

land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

(c) *Notwithstanding the provisions of this subsection, within 20 days after receipt of an accurate certification submitted pursuant to paragraph (7)(b), the state land planning agency shall issue a notice of intent to find the plan amendment in compliance without further review.*

(d) *The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, mail a courtesy informational statement to the persons whose names and mailing addresses were compiled pursuant to paragraph (15)(c). The informational statement shall include the identity of the newspaper in which the notice of intent will appear, the approximate date of publication of the notice of intent, the ordinance number of the plan or plan amendment, and a statement that the informational statement is provided as a courtesy to the person and that affected persons have 21 days after the actual date of publication of the notice to file a petition. The informational statement shall be sent by regular mail and shall not affect the timeframes in subsections (9) and (10).*

(e) *A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on its Internet site within 5 days after receipt of the mailed copy of the agency's notice of intent.*

(15) PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subsection (3) and for adoption of a comprehensive plan or plan amendment pursuant to subsection (7) shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage pursuant to subsection (3). It shall be held on a weekday at least 7 days after the day that the first advertisement is published.
2. The second public hearing shall be held at the adoption stage pursuant to subsection (7). It shall be held on a weekday at least 5 days after the day that the second advertisement is published.

(c) *The local government shall provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign-in form shall state that any person providing the requested information will receive a courtesy informational statement concerning publication of the state land planning agency's notice of intent. The local government shall add to the sign-in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It shall be the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information required to receive the courtesy informational statement.*

(d) *The agency shall provide a model sign-in form and the format for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection by August 1, 2001.*

(e)(e) If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.

(16) COMPLIANCE AGREEMENTS.—

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2) through (7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(e)/(e). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.

Section 6. Paragraph (j) of subsection (1) of section 163.3187, Florida Statutes, is amended, and paragraph (k) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(j) Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public *educational school* facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public *educational school* facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.

(k) *A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.31776, and future land use map amendments for school siting, may be approved without regard to statutory limits on the frequency of adoption of plan amendments.*

Section 7. Paragraph (k) of subsection (2) of section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable *educational 5-year school district* facilities *plan work program* adopted pursuant to s. 235.185. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

Section 8. Subsection (6) is added to section 163.3202, Florida Statutes, to read:

163.3202 Land development regulations.—

(6)(a) *The Legislature finds that electric utilities have a statutory duty pursuant to this chapter to provide reasonably sufficient, adequate, and efficient service. The Legislature further finds that electric substations are an indispensable component of the grid system by which electric utilities deliver reliable electric service to all public and private persons as required by law. The Legislature further finds that electric utility substations are essential services for the public health, safety, and welfare and therefore are in the public interest.*

(b) *Nothing in this part shall prohibit a local government from adopting land development regulations which establish reasonable standards for setbacks, buffering, landscaping, and other such site conditions which ensure consistency with the local comprehensive plan for a substation that will be operated by an electric utility. Compliance with any such adopted standards creates a presumption that a substation is compatible with adjacent land uses and is consistent with the local comprehensive plan.*

(c) *If an electric utility demonstrates by competent substantial evidence that it meets all criteria for approval of an application for a development permit for the location, construction, and operation of a substation, the local government may not deny the application unless the preponderance of the evidence, applying a strict scrutiny standard of review, demonstrates that the application does not meet the requirements of the local comprehensive plan or applicable land development regulations.*

Section 9. Subsection (9) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities demonstration project.—

(9) This section shall stand repealed on June 30, 2002 ~~2001~~, and shall be reviewed by the Legislature prior to that date.

Section 10. *Development of a uniform fiscal impact analysis model for evaluating the cost of infrastructure to support development.—*

(1) *The Legislature finds that the quality of growth in Florida could benefit greatly by the adoption of a uniform fiscal impact analysis tool that could be used by local governments to determine the costs and benefits of new development. To facilitate informed decisionmaking and accountability by local governments, the analysis model would itemize and calculate the costs and fiscal impacts of infrastructure needs created by proposed development, as well as the anticipated revenues utilized for infrastructure associated with the project. It is intended that the model be a minimum base model for implementation by all local governments. Local governments shall not be required to implement the model until the Legislature approves such implementation, nor shall local governments be prevented from utilizing other fiscal or economic analysis tools before or after adoption of the uniform fiscal analysis model. The Legislature intends that the analysis will provide local government decisionmakers with a clearer understanding of the fiscal impact of the new development on the community and its resources.*

(2)(a) *To oversee the development of a fiscal analysis model by the state land planning agency, there is created a commission consisting of nine members. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint three members to the commission, and the Governor shall designate one of his appointees as chair. Appointments must be made by July 1, 2001, and each appointing authority shall consider ethnic and gender balance when making appointments. The members of the commission must have technical or practical expertise to bring to bear on the design or implementation of the model. The commission shall include representatives of municipalities, counties, school boards, the development community, and public interest groups.*

(b) *The commission shall have the responsibility to:*

1. *Direct the state land planning agency, and others, in developing a fiscal analysis model.*

2. *Select one or more models to test through six pilot projects conducted in six regionally diverse local government jurisdictions selected by the commission.*

3. *Make changes to the models during the testing period as needed.*

4. *Report to the Governor and the Legislature with implementation recommendations.*

(c) *Each member may receive per diem and expenses for travel, as provided in s. 112.061, Florida Statutes, while carrying out the official business of the commission.*

(d) The commission is assigned, for administrative purposes, to the Department of Community Affairs.

(e) The commission shall meet at the call of the chair and shall be dissolved upon the submittal of the report and recommendations required by subsection (6).

(3)(a) The state land planning agency, as directed by the commission, shall develop one or more fiscal analysis models for determining the estimated costs and revenues of proposed development. The analysis provided by the model shall be a tool for government decisionmaking, shall not constitute an automatic approval or disapproval of new development, and shall apply to all public and private projects and all land use categories. The model or models selected for field testing shall be approved by the commission.

(b) The model shall be capable of estimating the capital, operating, and maintenance expenses and revenues for infrastructure needs created by new development based on the type, scale, and location of various land uses. For the purposes of developing the model, estimated costs shall include those associated with provision of school facilities, transportation facilities, water supply, sewer, stormwater, public safety, and solid waste services, and publicly provided telecommunications services. Estimated revenues shall include all revenues attributable to the proposed development which are utilized to construct, operate, or maintain such facilities and services. The model may be developed with capabilities of estimating other costs and benefits directly related to new development, including economic costs and benefits. The Legislature recognizes the potential limitations of such models in fairly quantifying important quality of life issues such as the intangible benefits and costs associated with development, including, but not limited to, overall impact on community character, housing costs, compatibility, and impacts on natural and historic resources, and therefore affirms its intention that the model not be used as the only determinate of the acceptability of new development. In order to develop a model for testing through pilot projects, the Legislature directs the commission to focus on the infrastructure costs expressly identified in this paragraph. The commission may authorize a local government selected to conduct a pilot project to apply the fiscal analysis model being tested to a public facility or service other than those identified in this paragraph; however, appropriately related revenues and benefits must also be considered.

(c) The model shall be capable of identifying infrastructure deficits or backlogs, and costs associated with addressing such needs.

(d) As part of its development of a fiscal analysis model, and as directed by the commission, the state land planning agency shall develop a format by which the local government shall report to its citizens, at least annually, the cumulative fiscal impact of its local planning decisions.

(4) One or more fiscal analysis models shall be tested in the field to evaluate their technical validity and practical usefulness and the financial feasibility of local government implementation. The field tests shall be conducted as demonstration projects in six regionally diverse local government jurisdictions.

(5) Data, findings, and feedback from the field tests shall be presented to the commission at least every 3 months following the initiation of each demonstration project. Based on the feedback provided by the state land planning agency and the local government partner of a demonstration project, the commission may require the state land planning agency to adjust or modify one or more models, including consideration of appropriate thresholds and exemptions, and conduct additional field testing if necessary.

(6) No later than February 1, 2003, the commission shall transmit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing the results of the demonstration projects. The commission shall report its recommendations for statewide implementation of a uniform fiscal analysis model. Any recommendation to implement the model must be based on the commission's determination that the model is technically valid, financially feasible for local government implementation, and practically useful for implementation as a uniform fiscal analysis model. Should the

commission determine that a uniform fiscal analysis model is not technically valid, financially feasible for local government implementation, and practically useful for implementation as a uniform fiscal analysis model, it shall recommend that the model or its application be modified or not implemented. The report shall also include recommendations for changes to any existing growth management laws and policies necessary to implement the model; recommendations for repealing existing growth management laws, such as concurrency, that may no longer be relevant or effective once the model is implemented; recommendations for state technical and financial assistance to help local governments in the implementation of the uniform fiscal analysis model; recommendations addressing state and local sources of additional infrastructure funding; and recommendations for incentives to local governments to encourage identification of areas in which infrastructure development will be encouraged.

Section 11. There is appropriated to the Department of Community Affairs from the General Revenue Fund \$500,000 to implement the requirements of this act relating to development of a uniform fiscal impact analysis model.

Section 12. Section 235.002, Florida Statutes, is amended to read:

235.002 Intent.—

(1) The intent of the Legislature is:

~~(a) To provide each student in the public education system the availability of an educational environment appropriate to his or her educational needs which is substantially equal to that available to any similar student, notwithstanding geographic differences and varying local economic factors, and to provide facilities for the Florida School for the Deaf and the Blind and other educational institutions and agencies as may be defined by law.~~

(a)(b) To encourage the use of innovative designs, construction techniques, and financing mechanisms in building educational facilities for the purpose of reducing costs to the taxpayer, creating a more satisfactory educational environment, and reducing the amount of time necessary for design, permitting of on-site and off-site improvements required by law, and construction to fill unmet needs.

(b)(e) To provide a systematic mechanism whereby educational facilities construction plans can meet the current and projected needs of the public education system population as quickly as possible by building uniform, sound educational environments and to provide a sound base for planning for educational facilities needs.

~~(c)(d) To provide proper legislative support for as wide a range of fiscally sound financing methodologies for as possible for the delivery of educational facilities and, where appropriate, for their construction, operation, and maintenance.~~

(d) To establish a systematic process of sharing information between school boards and local governments on the growth and development trends in their communities in order to forecast future enrollment and school needs.

(e) To establish a systematic process for school boards and local governments to cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system population, including the needs placed on the public education system as a result of growth and development decisions by local government.

(f) To establish a systematic process for local governments and school boards to cooperatively identify and meet the infrastructure needs of public schools.

(2) The Legislature finds and declares that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in the thousands of individual housing decisions that result in community growth trends.

(b)(e) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single

unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(c)(b) The effective and efficient provision of public educational facilities and services ~~enhances is essential to preserving and enhancing~~ the quality of life of the people of this state.

(d)(e) The provision of educational facilities often impacts community infrastructure and services. Assuring coordinated and cooperative provision of such facilities and associated infrastructure and services is in the best interest of the state.

Section 13. Subsection (1) of section 235.061, Florida Statutes, is amended to read:

235.061 Standards for relocatables used as classroom space; inspections.—

(1) The Commissioner of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. These rules must be implemented by July 1, 1998, and each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. The rules shall require that, by July 1, 2002 2001, relocatables that fail to meet the standards may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Uniform Building Code for Public Educational Facilities or other locally adopted state minimum building codes to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, to be accessible by adequate covered walkways. By July 1, 2000, the commissioner shall adopt standards for all relocatables intended for long-term use as classrooms. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

Section 14. Section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) Survey preparation and required data.—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the *Office of Educational Facilities of the Commissioner of Education*. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of

Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) Required need assessment criteria for district, community college, and state university plant surveys.—Each Educational plant surveys survey completed after December 31, 1997, must use uniform data sources and criteria specified in this paragraph. Each educational plant survey completed after June 30, 1995, and before January 1, 1998, must be revised, if necessary, to comply with this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. ~~The school district's survey shall be a part of the district's educational facilities plan under s. 235.185. Each school district's educational plant survey must reflect the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department and must include all enrollment used in the calculation of the distribution formula in s. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be included in the school district inventory of gross capacity of facilities and must be counted at actual student capacity for purposes of the inventory. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.185. Those relocatables clearly identified and scheduled for replacement in a school board adopted financially feasible 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the department's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the department.~~

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections of facility space needs must be consistent

with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. The *district educational facilities plan* ~~plant survey~~ of a school district and the *educational plant survey* of a community college, or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.

(c) Review and validation.—The *Office of Educational Facilities of the Commissioner of Education* ~~department~~ shall review and validate the *educational facilities plans of school districts and the surveys of school districts and community colleges* and any amendments thereto for compliance with the requirements of this chapter and, ~~when required by the State Constitution,~~ shall recommend those in compliance for approval by the State Board of Education.

(2) Only the superintendent or the college president shall certify to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ that the need and location of the facility are in compliance with the board-approved *educational facilities plan* or survey recommendations, and that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the plan is consistent with the local government comprehensive plan.

(b) Upon request for release of construction funds, certification must be made to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ that the need and location of the facility are in compliance with the board-approved *educational facilities plan* or survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the State Uniform Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter, and that the site is consistent with the local government comprehensive plan.

Section 15. Subsection (3) of section 235.175, Florida Statutes, is amended to read:

235.175 SMART schools; Classrooms First; legislative purpose.—

(3) SCHOOL DISTRICT EDUCATIONAL FACILITIES PLAN WORK PROGRAMS.—It is the purpose of the Legislature to create s. 235.185, requiring each school district annually to adopt an *educational district facilities plan that provides an integrated long-range facilities plan, including the survey of projected needs and the 5-year work program*. The purpose of the *educational district facilities plan work program* is to keep the school board, local governments, and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations. The *educational district facilities plan work program* will be monitored by the SMART Schools Clearinghouse, which will also apply performance standards pursuant to s. 235.218.

Section 16. Section 235.18, Florida Statutes, is amended to read:

235.18 Annual capital outlay budget.—Each board, including the Board of Regents, shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any

funds on any project not included in the budget, as amended. Each district school board must prepare its tentative district *educational facilities plan work program* as required by s. 235.185 before adopting the capital outlay budget.

Section 17. Section 235.185, Florida Statutes, is amended to read:

235.185 School district *educational facilities plan work program*; definitions; preparation, adoption, and amendment; long-term work programs.—

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

(a) “Adopted *educational district facilities plan work program*” means the *comprehensive planning document 5-year work program* adopted annually by the district school board as provided in subsection (4) which contains the *educational plant survey* (3).

(b) “Tentative District facilities work program” means the 5-year listing of capital outlay projects *adopted by the district school board as provided in paragraph (2)(b) as part of the district educational facilities plan* which are required:

1. To properly *repair and* maintain the educational plant and ancillary facilities of the district.

2. To provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 235.062.

(c) “Tentative *educational facilities plan*” means the *comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities of the Commissioner of Education and the affected general purpose local governments*.

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN; WORK PROGRAM.—

(a) Annually, prior to the adoption of the district school budget, each school board shall prepare a tentative district *educational facilities plan work program* that includes *long-range planning for facilities needs over 5-year, 10-year, and 20-year periods*. The plan shall be developed in coordination with the general purpose local governments and be consistent with the local government comprehensive plans. The school board's plan for provision of new schools shall meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan shall:

1. Consider projected student populations for the 5-year, 10-year, and 20-year planning periods apportioned geographically at the local level. The projections shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136, where available, as modified by the school district based on development data and agreement with the local governments and the Office of Educational Facilities of the Commissioner of Education. The projections shall be apportioned geographically with assistance from the local governments, using local development trend data, the comprehensive plan, and the school district student enrollment data.

2. Provide an inventory of existing school facilities. Any anticipated expansions or closures of existing school sites over the 5-year, 10-year, and 20-year periods shall be identified. The inventory shall include an assessment of areas proximate to existing schools and identification of the need for improvements to infrastructure, safety, and conditions in the community. The plan shall also provide a listing of major repairs and renovation projects anticipated over the period of the plan.

3. Include projections of facilities space needs, which may not exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.

4. Include information on leased, loaned, and donated space and relocatables used for conducting the district's instructional programs.

5. Describe the general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools' site acreage needs and anticipated

capacity and including maps showing general locations. The school board's identification of general locations of future school sites shall be based on the school siting requirements of s. 163.3177(6)(a) and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.

(b) The educational facilities plan shall also include a financially feasible district facilities work program for a 5-year period. The work program shall include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities ~~plan~~ and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses, shall be compared to the capital outlay full-time equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula under s. 235.435(3).

b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 235.19 and 235.193(5), (6), and (7) shall be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district that will result if the tentative district facilities work program is fully implemented. ~~The average shall not include exceptional student education classes or prekindergarten classes.~~

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatables clearly identified and scheduled for replacement in a school board adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The district educational facilities plan shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order as a project priority list within the district facilities work program.

3. The projected cost for each project identified in the ~~tentative~~ district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of ~~projected estimated~~ capital outlay revenues from all sources ~~each currently approved source which is~~ estimated to be available to fully fund for expenditure on the projects included in the ~~tentative~~ district facilities 5-year work program. Revenue sources may include, but are not limited to, projections of:

a. Ad valorem tax base, assessment ratio, and millage rate.

b. State revenue distributions.

c. Revenue and debt service obligations from current and proposed bond issues.

d. Any other revenue sources available to fund facility needs of the district, including effort index grants, SIT Program awards, and Classrooms First funds.

e. The 0.5-cent sales surtax and the local government infrastructure sales surtax, if levied.

~~5. A schedule indicating which projects included in the tentative district facilities work program will be funded from current revenues projected in subparagraph 4.~~

~~6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the tentative district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.~~

~~(c)(b) To the extent available, The tentative district educational facilities plan work program shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136 to the extent available, and based on agreement pursuant to subparagraph (a)1.~~

~~(d)(e) Provision shall be made for public comment concerning the tentative district educational facilities plan work program.~~

~~(e) The district school board shall coordinate with each affected local government to ensure consistency between the tentative district educational facilities plan and the local government comprehensive plans of the affected local governments during the development of the tentative district educational facilities plan.~~

(3) **SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN TO THE LOCAL GOVERNMENT.**—The district school board shall submit a copy of its tentative district educational facilities plan to all affected local governments prior to adoption by the board. The affected local governments shall review the tentative district educational facilities plan and comment to the district school board on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement required by ss. 163.3177(4) and 235.193(2). The process for the submittal and review shall be detailed in the interlocal agreement required pursuant to ss. 163.3177(4) and 235.193(2). Where the school board and the local government have not entered into an interlocal agreement pursuant to ss. 163.3177(4) and 235.193(2), the school board and the local government must determine a mutually acceptable process for submittal and review of the tentative district educational facilities plan. Disputes between the school board and the local government, in instances where the school board and the local government have not entered into an interlocal agreement pursuant to ss. 163.3177(4) and 235.193(2), shall be addressed pursuant to s. 163.3181.

~~(4)(3)~~ **ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN WORK PROGRAM.**—Annually, the district school board shall consider and adopt the tentative district *educational facilities plan work program* completed pursuant to subsection (2). Upon giving proper public notice to the public and local governments and opportunity for public comment, the district school board may amend the *plan program* to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district *educational facilities plan work program* shall include a 5-year facilities work program which shall:

(a) Be a complete, balanced, and financially feasible capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities.

~~(5)(4)~~ **EXECUTION OF ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN WORK PROGRAM.**—The first year of the adopted district *educational facilities plan work program* shall constitute the capital outlay budget required in s. 235.18. The adopted district facilities work program shall include the information required in paragraph (2)(b) ~~subparagraphs (2)(a)1., 2., and 3.~~, based upon projects actually funded in the program.

~~(5)~~ **10 YEAR AND 20 YEAR WORK PROGRAMS.**—~~In addition to the adopted district facilities work program covering the 5-year work program, the district school board shall adopt annually a 10-year and a 20-year work program which include the information set forth in subsection (2), but based upon enrollment projections and facility needs for the 10-year and 20-year periods. It is recognized that the projections in the 10-year and 20-year timeframes are tentative and should be used only for general planning purposes.~~

Section 18. Section 235.188, Florida Statutes, is amended to read:

235.188 Full bonding required to participate in programs.—Any district with unused bonding capacity in its Capital Outlay and Debt Service Trust Fund allocation that certifies in its district *educational facilities plan work program* that it will not be able to meet all of its need for new student stations within existing revenues must fully bond its Capital Outlay and Debt Service Trust Fund allocation before it may participate in Classrooms First, the School Infrastructure Thrift (SIT) Program, or the Effort Index Grants Program.

Section 19. Section 235.19, Florida Statutes, is amended to read:

235.19 Site planning and selection.—

(1) *If the school board and local government have entered into an interlocal agreement pursuant to ss. 163.31776(4) and 235.193(2) and have developed a process to ensure consistency between the local government comprehensive plan and the school district educational facilities plan and a method to coordinate decisionmaking and approval activities relating to school planning and site selection, the provisions of this section are superseded by the interlocal agreement and the plans of the local government and the school board.*

(2)(4) Before acquiring property for sites, each board shall determine the location of proposed educational centers or campuses ~~for the board~~. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the *consistency compatibility* of such plans with site planning. Boards are encouraged to locate schools proximate to urban residential areas to the extent possible, and shall seek to collocate schools with other public facilities, such as parks, libraries, and community centers, to the extent possible, and to encourage using elementary schools as focal points for neighborhoods.

(3)(2) Each new site selected must be adequate in size to meet the educational needs of the students to be served on that site by the original educational facility or future expansions of the facility through

renovation or the addition of relocatables. ~~The Commissioner of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the commissioner. Less than recommended site sizes are allowed if the board, by a two-thirds majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.~~

(4)(3) Sites recommended for purchase, or purchased, in accordance with chapter 230 or chapter 240 must meet standards prescribed therein and such supplementary standards as the *school board commissioner* prescribes to promote the educational interests of the students. Each site must be well drained and *either* suitable for outdoor educational purposes as appropriate for the educational program *or collocated with facilities to serve this purpose*. As provided in s. 333.03, the site must not be located within any path of flight approach of any airport. Insofar as is practicable, the site must not adjoin a right-of-way of any railroad or through highway and must not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program.

(5)(4) It shall be the responsibility of the board to provide adequate notice to appropriate municipal, county, regional, and state governmental agencies for requested traffic control and safety devices so they can be installed and operating prior to the first day of classes or to satisfy itself that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes. It shall also be the responsibility of the board to review annually traffic control and safety device needs and to request all necessary changes indicated by such review.

(6)(5) Each board may request county and municipal governments to construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government. When a board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway within a 2-mile radius of a school site and the hazard endangers the life or threatens the health or safety of students who walk, ride bicycles, or are transported regularly between their homes and the school in which they are enrolled, the board shall, within 24 hours after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard students until the hazard can be permanently corrected. However, if the governmental entity that has jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of students, the entity shall, within 5 days after notification by the board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting the condition. The governmental entity, to the extent allowed by law, shall indemnify the board from any liability with respect to accidents or injuries, if any, arising out of the hazardous condition.

Section 20. Section 235.193, Florida Statutes, is amended to read:

235.193 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the *educational facilities plan plant survey* and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local ~~governments governing bodies~~. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short

distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl.

(2) *No later than 6 months prior to the transmittal of a public educational facilities element by general purpose local governments meeting the criteria of s. 163.31776(3), the school district, the county, and the nonexempt municipalities shall enter into an interlocal agreement which establishes a process to develop coordinated and consistent local government public educational facilities elements and district educational facilities plans, including a process:*

(a) *By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment.*

(b) *To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment.*

(c) *To ensure that school siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting, and for early involvement by the local government as the school board identifies potential school sites.*

(d) *To coordinate and provide formal timely comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform countywide school facility planning system.*

(e) *For school district participation in the review of land use decisions which increase residential density and which are reasonably expected to have an impact on public school facility demand.*

(f) *For the resolution of disputes between the school district and local governments.*

Any school board that has entered into an interlocal agreement for the purpose of adopting public school concurrency prior to the effective date of this act is not required to amend the interlocal agreement to conform to this subsection if the comprehensive plan amendment adopting public school concurrency is ultimately determined to be in compliance.

(3) *Failure to enter into an interlocal agreement as required by subsection (2) shall result in the withholding of funds for school construction available pursuant to ss. 235.187, 235.216, 235.2195, and 235.42, and the school district shall be prohibited from siting schools. Before the Office of Educational Facilities of the Commissioner of Education withholds any funds, the office shall provide the school board with a notice of intent to withhold funds, which the school board may dispute pursuant to chapter 120. The office shall withhold funds when a final order is issued finding that the school board has failed to enter into an interlocal agreement which meets the requirements of subsection (2).*

(4)(2) *A school board and the local governing body must share and coordinate information related to existing and planned public school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the public school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136 Department of Education enrollment projections when preparing the 5-year district educational facilities plan work program pursuant to s. 235.185 in, and a school board shall affirmatively demonstrate in the educational facilities report consideration of local governments' population projections to ensure that the educational facilities plan 5-year work program not only reflects enrollment projections but also considers applicable municipal*

and county growth and development projections. The school board may modify the information produced by the estimating conferences, with the approval of the local governments and the Office of Educational Facilities of the Commissioner of Education. The projections shall be apportioned geographically with assistance from the local governments using local development trend data and the school district student enrollment data. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan report for the prior year required pursuant to s. 235.185 ~~235.194~~ unless the failure is corrected.

(5)(3) *The location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and consistent with the plan's implementing land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed by the local government and the board.*

(6)(4) *To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land at least 120 ~~60~~ days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection (7) (5).*

(7)(5) *As early in the design phase as feasible, but at least before commencing construction of a new public educational facility, the local governing body that regulates the use of land shall determine, in writing within 90 days after receiving the necessary information and a school board's request for a determination, whether a proposed public educational facility is consistent with the local comprehensive plan and consistent with local land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed. If the determination is affirmative, school construction may proceed and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a school board's request for a determination of consistency shall be considered an approval of the school board's application.*

(8)(6) *A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan ~~plan's future land use policies and categories in which public schools are identified as allowable uses~~, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 235.34(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed.*

(9)(7) *This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts pursuant to an interlocal agreement adopted in accordance with this section.*

(10)(8) *Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. ~~The collocation of a new proposed public educational facility with an existing public educational facility, or the expansion of an existing public educational facility is not inconsistent with the local comprehensive plan, if the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, and levels of service adopted by the local government for any facilities affected by the proposed location for the new facility are maintained.~~ If a board submits an application to expand*

an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 235.34(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed. Local government review or approval is not required for:

- (a) The placement of temporary or portable classroom facilities; or
- (b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed.

Section 21. *Section 235.194, Florida Statutes, is repealed.*

Section 22. Section 235.218, Florida Statutes, is amended to read:

235.218 School district *educational facilities plan* ~~work-program~~ performance and productivity standards; development; measurement; application.—

(1) The SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district *educational facilities plans* ~~work-programs~~. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the districts' control. The measures must, at a minimum, assess performance in the following areas:

- (a) Frugal production of high-quality projects.
- (b) Efficient finance and administration.
- (c) Optimal school and classroom size and utilization rate.
- (d) Safety.
- (e) Core facility space needs and cost-effective capacity improvements that consider demographic projections, *land use patterns, and collocation and shared use with other public facilities*.
- (f) Level of district local effort.

(2) The clearinghouse shall establish annual performance objectives and standards that can be used to evaluate district performance and productivity.

(3) The clearinghouse shall conduct ongoing evaluations of district *educational facilities plan* ~~program~~ performance and productivity, using the measures adopted under this section. If, using these measures, the clearinghouse finds that a district failed to perform satisfactorily, the clearinghouse must recommend to the district school board actions to be taken to improve the district's performance.

Section 23. Section 235.321, Florida Statutes, is amended to read:

235.321 Changes in construction requirements after award of contract.—The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes. For accountability, the school district shall monitor and report the impact of change orders on its district *educational facilities plan* ~~work-program~~ pursuant to s. 235.185.

Section 24. Paragraph (d) of subsection (5) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(5)

(d) Notwithstanding any other provision of this subsection, if through its adopted *educational facilities plan* ~~work-program~~ a district has clearly identified the need for an ancillary plant, has provided opportunity for public input as to the relative value of the ancillary plant

versus an educational plant, and has obtained public approval, the district may use revenue generated by the millage levy authorized by subsection (2) for the construction, renovation, remodeling, maintenance, or repair of an ancillary plant.

A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under s. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.

Section 25. Section 380.04, Florida Statutes, is amended to read:

380.04 Definition of development.—

(1) The term "development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(2) The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section:

- (a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- (b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in s. 161.021.

(d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

(e) Demolition of a structure.

(f) Clearing of land as an adjunct of construction.

(g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(3) The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section:

(a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(b) Work by any utility and other persons engaged in the distribution or transmission of gas, *electricity*, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

(f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g) A change in the ownership or form of ownership of any parcel or structure.

(h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(4) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

Section 26. Paragraph (e) of subsection (2) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. *The applicable guidelines and standards shall be increased by 200 percent for development in any area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656 during the effectiveness of the designation. The Administration Commission, upon the recommendation of the state land planning agency, shall implement this paragraph by rule no later than December 1, 1993. The increased guidelines and standards authorized by this paragraph shall not be implemented until the effectiveness of the rule which, among other things, shall set forth the pertinent characteristics of urban central business districts and regional activity centers.*

Section 27. Short title.—Sections 570.70 and 570.71, Florida Statutes, may be cited as the "Rural and Family Lands Protection Act."

Section 28. Section 570.70, Florida Statutes, is created to read:

570.70 Legislative findings.—*The Legislature finds and declares that:*

(1) *A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state, and federal agencies for natural resource protection.*

(2) *The growth of Florida's population can result in agricultural and rural lands being converted into residential or commercial development.*

(3) *The agricultural, rural, natural resource, and commodity values of rural lands are vital to the state's economy, productivity, rural heritage, and quality of life.*

(4) *The Legislature further recognizes the need for enhancing the ability of rural landowners to obtain economic value from their property, protecting rural character, controlling urban sprawl, and providing*

necessary open space for agriculture and the natural environment, and the importance of maintaining and protecting Florida's rural economy through innovative planning and development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources.

(5) *The purpose of this act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas that provide economic, open space, water, and wildlife benefits by acquiring land or related interests in land such as perpetual, less-than-fee acquisitions, agricultural protection agreements, and resource conservation agreements and innovative planning and development strategies in rural areas.*

Section 29. Section 570.71, Florida Statutes, is created to read:

570.71 Conservation easements and agreements.—

(1)(a) *As used in this section, "department" means the Department of Agriculture and Consumer Services.*

(b) *The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:*

1. *Promotion and improvement of wildlife habitat;*
2. *Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;*
3. *Perpetuation of open space on lands with significant natural areas; or*
4. *Protection of agricultural lands threatened by conversion to other uses.*

(2) *To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:*

- (a) *Purchase conservation easements, as defined in s. 704.06.*
- (b) *Purchase rural lands protection easements pursuant to this act.*
- (c) *Fund resource conservation agreements pursuant to this act.*
- (d) *Fund agricultural protection agreements pursuant to this act.*

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) *Rural lands protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:*

- (a) *Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11).*
- (b) *Subdivision of the property.*
- (c) *Dumping or placing of trash, waste, or offensive materials.*
- (d) *Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.*

(4) *Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide*

recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.

(5) Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.

(a) For the length of the agreement, the landowner shall agree to prohibit:

1. Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11).

2. Subdivision of the property.

3. Dumping or placing of trash, waste, or offensive materials.

4. Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.

(b) As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.

(6) Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.

(7) Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.

(8) Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.

(9) Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.

(10) The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in subsection (1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

(11) If a landowner objects to having his or her property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.

(12) The department is authorized to use funds from the following sources to implement this act:

(a) State funds;

(b) Federal funds;

(c) Other governmental entities;

(d) Nongovernmental organizations; or

(e) Private individuals.

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) No more than 10 percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.

(14) The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.

(a) The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.

(b) The needs assessment shall locate areas of the state where existing privately owned ranch and timber lands containing resources of the type identified in paragraph (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.

(c) The department shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.

Section 30. 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 growth management; amending s. 163.3174, F.S.; requiring that local planning agencies include a representative of the district school board; repealing s. 163.3177(12), F.S., which provides requirements for a public school facilities element of a local government comprehensive plan adopted to implement a school concurrency program; amending s. 163.3177, F.S.; revising requirements for the future land use element and intergovernmental coordination element with respect to planning for schools; providing that an agricultural land use category shall be eligible for the location of public schools in a local government comprehensive plan in rural counties under certain conditions; providing that the Department of Community Affairs may authorize up to five local governments to designate rural land stewardship areas; providing requirements with respect thereto; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that the local government shall assign transferable rural land use credits to such areas; providing requirements with respect to such credits; specifying incentives that should be provided to owners of land in such areas; requiring reports; providing intent; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that certain local government comprehensive plans include a public educational facilities element; requiring notice by the Department of Education; exempting certain municipalities from adopting such elements; requiring a report; requiring such local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing

requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; providing for arbitration; specifying the effect of a local government's failure to enter into an interlocal agreement and of a school board's failure to provide certain information or to enter into an interlocal agreement; amending s. 163.3180, F.S.; providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; removing school concurrency requirements relating to intergovernmental coordination and exemption for certain municipalities; revising requirements relating to an interlocal agreement for school concurrency; amending s. 163.3184, F.S.; including requirements for plan amendments relating to the public educational facilities element in the process for adoption of comprehensive plan amendments; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report; providing for priority review of certain amendments; clarifying language; providing that the agency shall not review an amendment certified as having no objections received; providing for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency's notice of intent to find a plan or plan amendment in compliance or not in compliance; directing the agency to provide a model form; revising requirements relating to publication of the agency's notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; providing that plan amendments to adopt such elements and future land use map amendments for school siting are not subject to the statutory limits on the frequency of plan amendments; amending s. 163.3191, F.S.; conforming language; amending s. 163.3202, F.S.; providing legislative intent regarding electric utilities and substations; providing that local governments may adopt land development regulations that establish standards for substations and providing effect of compliance with such standards; prohibiting local governments from denying a development permit for a substation under certain conditions; amending s. 163.3244, F.S.; extending the repeal date of the sustainable communities demonstration project; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of proposed development; providing requirements with respect thereto; creating a commission to oversee such development; providing for field tests of the models developed; directing the commission to make recommendations to the Governor and Legislature regarding statewide implementation of a uniform model and other growth management issues; providing an appropriation; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.061, F.S.; revising the date after which relocatables that fail to meet standards may not be used as classrooms; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be part of the district's educational facilities plan; revising provisions relating to certain deviation from space need standards; providing for review and validation of such plans and community college surveys by the Office of Educational Facilities and approval by the State Board of Education; revising requirements relating to certifications necessary for expenditure of PECO funds; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for the district's facilities 5-year work program; providing for submittal of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; removing provisions relating to 10-year and 20-year work programs; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S., relating to site planning and selection; providing that said section is superseded by an interlocal agreement between a school board and local government and

the school board and local government plans under certain conditions; revising site selection requirements; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring certain school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; revising requirements relating to school board responsibilities in planning with local governments; revising requirements relating to location of educational facilities; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; conforming language; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending s. 235.218, F.S.; revising provisions relating to adoption of certain evaluation measures by the SMART Schools Clearinghouse; amending ss. 235.321 and 236.25, F.S.; conforming language; amending s. 380.04, F.S.; revising an exception from the definition of "development" for work by certain utilities; amending s. 380.06, F.S., relating to developments of regional impact; providing that the statewide guidelines and standards shall be increased for development in a rural area of critical economic concern; creating the "Rural and Family Lands Protection Act"; creating s. 570.70, F.S.; providing legislative findings; creating s. 570.71, F.S.; providing a definition; providing for the purchase of rural lands protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; providing effective dates.

Rep. Dockery moved the adoption of the amendment.

Representative(s) Dockery and Alexander offered the following:

(Amendment Bar Code: 261833)

Amendment 1 to Amendment 3 (with directory language and title amendments)—On page 7, line 26, through page 15, line 8, remove from the amendment: all of said lines

And the directory language is amended as follows:

On page 2, line 27,
remove: and subsection (11) of said section

And the title is amended as follows:

On page 89, lines 3 - 16 of the amendment
remove: all of said lines

and insert in lieu thereof: counties under certain conditions; creating s.

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

Representative(s) Alexander offered the following:

(Amendment Bar Code: 900441)

Amendment 2 to Amendment 3—On page 21, line 2, of the amendment after "rezoning"

insert: , *provided this subsection shall not apply to a comprehensive plan amendment or to a rezoning which is consistent with a development order which has been approved by a local government pursuant to s. 380.06*

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

Representative(s) Dockery and Alexander offered the following:

(Amendment Bar Code: 065389)

Amendment 3 to Amendment 3 (with title amendment)—On page 81, line 17, through page 88, line 8, remove from the amendment: all of said lines

And the title is amended as follows:

On page 94, line 17 through p. 95, line 2 of the amendment remove: all of said lines

and insert in lieu thereof: area of critical economic concern; providing

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

The question recurred on the adoption of **Amendment 3**, as amended, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HBs 1617 & 1487. The vote was:

Session Vote Sequence: 411

Yeas—118

The Chair	Clarke	Heyman	Paul
Alexander	Crow	Hogan	Peterman
Allen	Cusack	Holloway	Pickens
Andrews	Davis	Jennings	Prieguez
Argenziano	Detert	Joyner	Rich
Arza	Diaz de la Portilla	Justice	Richardson
Attkisson	Diaz-Balart	Kallinger	Ritter
Atwater	Dockery	Kendrick	Romeo
Ausley	Farkas	Kilmer	Ross
Baker	Fasano	Kosmas	Rubio
Ball	Feeney	Kottkamp	Russell
Barreiro	Fields	Kravitz	Ryan
Baxley	Fiorentino	Kyle	Seiler
Bean	Flanagan	Lacasa	Simmons
Bendross-Mindingall	Frankel	Lee	Siplin
Bennett	Gannon	Lerner	Slosberg
Bense	Garcia	Littlefield	Smith
Benson	Gardiner	Lynn	Sobel
Berfield	Gelber	Machek	Sorensen
Betancourt	Gibson	Mack	Spratt
Bilirakis	Goodlette	Mahon	Stansel
Bowen	Gottlieb	Mayfield	Trovillion
Brown	Green	McGriff	Wallace
Brummer	Greenstein	Meadows	Waters
Brutus	Haridopolos	Mealor	Weissman
Bucher	Harper	Melvin	Wiles
Bullard	Harrell	Miller	Wilson
Byrd	Harrington	Murman	Wishner
Cantens	Hart	Needelman	
Carassas	Henriquez	Negron	

Nays—1

Johnson

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

HB 1983 was taken up. On motion by Rep. Wallace, the rules were waived and—

CS for SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.;

authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 197.212, F.S.; increasing the allowable minimum property tax; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; creating an advisory committee on property and other public facility taxation; providing purposes and membership; requiring a report; providing an appropriation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

—was substituted for HB 1983 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

Representative(s) Wallace offered the following:

(Amendment Bar Code: 234569)

Amendment 1 (with title amendment)—On page 3, remove from the bill: everything after the enacting clause

and insert in lieu thereof:

Section 1. 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.

(c) 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.

Section 2. Effective January 1, 2003, paragraph (c) of subsection (2) of section 195.096, Florida Statutes, as amended by this act, is amended to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(c) In conducting assessment ratio studies, the department must use a representative or statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. *The department shall document and retain records of the measures of representativeness of the properties studied in compliance with this section. Such documentation must include a record of findings used as the basis for the approval or disapproval of the tax roll in each county pursuant to s. 193.1142. In addition, to the greatest extent practicable, the department shall study assessment roll strata by value groups or market areas for each classification, subclassification, or stratum to be studied to ensure the representativeness of ratio study samples.* For purposes of this section, the department shall rely primarily on an assessment-to-sales-ratio study in conducting assessment ratio studies in those classifications of property specified in subsection (3) for which there are adequate market sales. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 3. Effective upon this act becoming a law and applicable to the tax year 2001 and thereafter, section 196.1975, Florida Statutes, is amended to read:

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

(1) The applicant must be a corporation not for profit *pursuant to chapter 617* or a Florida limited partnership, the sole general partner of which is a corporation not for profit *pursuant to chapter 617*, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a "home for the aged" unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1),

licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), *units or apartments* in homes for the aged shall be exempt only to the extent that residency in *the existing unit or apartment* of the applicant home is *reserved for or* restricted to or *the unit or apartment is* occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:

1. Persons who have gross incomes of not more than \$7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than \$7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects ~~that which~~ are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and ~~that which~~ are subject to the income limitations established by that department ~~are shall be~~ exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is hereby declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in the third sentence of s. 3(a), Art. VII, State Constitution, and the remaining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of a ~~such~~ property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of \$25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each ~~corporation~~ home applying for an exemption under paragraph (a) of this subsection or paragraph (4)(a) must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under either of those paragraphs ~~that paragraph~~ is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) Sections 196.195 and 196.196 do not apply to this section.

Section 4. Section 196.24, Florida Statutes, is amended to read:

196.24 *Exemption for disabled ex-service member*; evidence of disability of ~~ex-service member~~; exemption.—Any ex-service member, a bona fide resident of the state, who has been disabled to a degree of 10 percent or more while serving during a period of wartime service as defined in s. 1.01(14), or by misfortune, is entitled to the exemption from taxation provided for in s. 3(b), Art. VII of the State Constitution *as provided in this section. Property to the value of \$5,000 of such person shall be exempt from taxation.*; ~~and~~ The production by him or her of a certificate of disability from the United States Government or the United States Department of Veterans Affairs or its predecessor before the property appraiser of the county wherein the ex-service member's property lies is prima facie evidence of the fact that he or she is entitled to such exemption.

Section 5. Section 197.212, Florida Statutes, is amended to read:

197.212 *Minimum tax bill*.—On the recommendation of the county tax collector, the board of county commissioners may adopt a resolution instructing the collector not to mail tax notices to a taxpayer when the amount of taxes shown on the tax notice is less than *an amount up to \$50* \$5. The resolution shall also instruct the property appraiser that he or she shall not make an extension on the tax roll for any parcel for which the tax would amount to less than *an amount up to \$50* \$5. The minimum tax bill so established may not exceed *an amount up to \$50* \$5.

Section 6. Subsection (1) of section 197.343, Florida Statutes, is amended to read:

197.343 Tax notices; additional notice required.—

(1) An additional tax notice shall be mailed by April 30 ~~10~~ to each taxpayer whose payment has not been received. The notice shall include a description of the property and the following statement: If the taxes for . . .(year). . . on your property are not paid, a tax certificate will be sold for these taxes, and your property may be sold at a future date. Contact the tax collector's office at once.

Section 7. Subsection (5) of section 197.502, Florida Statutes, is amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(5)(a) *The tax collector may contract with a title company or an abstract company at a reasonable fee to provide the minimum information required by subsection (4), consistent with rules adopted by the department. If additional information is required, the tax collector shall make a written request to the title or abstract company stating the additional requirements. The tax collector may select any title or abstract company, regardless of its location, as long as the fee is reasonable, the minimum information is submitted, and the title or abstract company is authorized to do business in this state. The tax collector may advertise and accept bids for the title or abstract company if he or she considers it appropriate to do so.*

1. *The ownership and encumbrance report must be printed or typed on stationery or other paper showing a letterhead of the person, firm, or company that makes the search, and the signature of the person who makes the search or of an officer of the firm must be attached. The tax collector is not liable for payment to the firm unless these requirements are met.*

2. *The tax collector shall not accept or pay for any title search or abstract if no financial responsibility is assumed for the search. However, reasonable restrictions as to the liability or responsibility of the title or abstract company are acceptable.*

3. *In order to establish uniform prices for ownership and encumbrance reports within the county, the tax collector shall ensure that the contract for ownership and encumbrance reports include all requests for title searches or abstracts for a given period of time.*

(b) *Any fee paid for any title search or abstract shall be collected at the time of application under subsection (1), and the amount of the fee shall be added to the opening bid.*

(c) *The clerk shall advertise and administer the sale and receive such fees for the issuance of the deed and sale of the property as are provided in s. 28.24.*

Section 8. Effective January 1, 2002, section 200.069, Florida Statutes, is amended to read:

200.069 Notice of proposed property taxes and non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in ~~subsection (11) and~~ s. 200.065(13).

(1) The notice shall read:

**NOTICE OF PROPOSED PROPERTY TAXES
DO NOT PAY—THIS IS NOT A BILL**

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

(2) The notice shall further contain information applicable to the specific parcel in question. The information shall be in columnar form. There shall be five column headings which shall read: "Taxing Authority," "Your Property Taxes Last Year," "Your Taxes This Year IF PROPOSED Budget Change is Made," "A Public Hearing on the Proposed Taxes and Budget Will be Held.:", and "Your Taxes This Year IF NO Budget Change is Made."

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; ~~the a single entry for other independent special districts in which the parcel lies, if any, except as provided in subsection (11); and a single entry for all voted levies for debt service applicable to the parcel, if any.~~

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:.". ~~The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11).~~ For each voted ~~levy levies~~ for debt service, the entry shall be "Voter Approved Debt Payments."

(b) In the second column, the gross amount of ad valorem taxes levied against the parcel in the previous year. If the parcel did not exist in the previous year, the second column shall be blank.

(c) In the third column, the gross amount of ad valorem taxes proposed to be levied in the current year, which amount shall be based on the proposed millage rates provided to the property appraiser pursuant to s. 200.065(2)(b) or, in the case of voted levies for debt service, the millage rate previously authorized by referendum, and the taxable value of the parcel as shown on the current year's assessment roll.

(d) In the fourth column, the date, the time, and a brief description of the location of the public hearing required pursuant to s. 200.065(2)(c). ~~However:~~

1. ~~No entry shall be made in the fourth column for the line showing independent special districts other than water management districts if that line represents more than one district;~~

2. ~~For the line showing voted levies for debt service pursuant to paragraph (a), the following statement shall appear: "Includes debt of . . . (list of brief, commonly used names for each taxing authority whose debt service levy is included on this line). . . ."; and~~

3. ~~For the line showing totals, the following statement shall appear: "For details on independent special districts and voter approved debt, contact your Tax Collector at . . . (phone number). . . ." If the option in subsection (11) is utilized, the phrase "independent special districts and" shall be deleted.~~

(e) In the fifth column, the gross amount of ad valorem taxes which would apply to the parcel in the current year if each taxing authority were to levy the rolled-back rate computed pursuant to s. 200.065(1) or, in the case of voted levies for debt service, the amount previously authorized by referendum.

(f) For special assessments collected utilizing the ad valorem method pursuant to s. 197.363, the previous year's assessment amount shall be added to the ad valorem taxes shown in the second and fifth columns, and the amount proposed to be imposed for the current year shall be added to the ad valorem taxes shown in the third column.

(5) The amounts shown on each line preceding *each* the entry for voted levies for debt service shall include the sum of all ad valorem levies of the applicable unit of local government for operating purposes, including those of dependent special districts (except for municipal service taxing units, which shall be listed on the line for municipalities), and all nonvoted or nondebt service special assessments imposed by the applicable unit of local government to be collected utilizing the ad valorem method. ~~Voted levies for debt service for all units of local government shall be combined and shown on a single line, including voter-approved special assessments for debt service if collected utilizing the ad valorem method.~~

(6) Following the entries for each taxing authority, a final entry shall show: in the first column, the words "Total Property Taxes:" and in the second, third, and fifth columns, the sum of the entries for each of the individual taxing authorities. The second, third, and fifth columns shall, immediately below said entries, be labeled Column 1, Column 2, and Column 3, respectively. Below these labels shall appear, in boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

(7) The notice shall further show a brief legal description of the property and the name and mailing address of the owner of record.

(8) The notice shall further read:

	Market Value	Assessed Value	Exemp- tions	Taxable Value
Your Property Value Last Year	\$	\$	\$	\$
Your Property Value This Year	\$	\$	\$	\$

If you feel that the market value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at . . . (phone number). . . or . . . (location). . . .

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE . . . (date). . . .

(9) The reverse side of the form shall read:

EXPLANATION

***COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"**

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

***COLUMN 2—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"**

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

***COLUMN 3—"YOUR TAXES IF NO BUDGET CHANGE IS MADE"**

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

For homestead property: value as limited by the State Constitution;

For agricultural and similarly assessed property: classified use value;

For all other property: market value.

*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

(10) The front side of the form required pursuant to this section shall approximate in all essential respects the facsimile set forth in this subsection as it appears in s. 26, chapter 80-274, Laws of Florida, except for amendments subsequent to 1980.

~~(11) If authorized by resolution of the governing body of the county prior to July 1, and with the written concurrence of the property appraiser, the notice specified in this section shall contain a separate line entry for each independent special taxing district in the jurisdiction of which the parcel lies. Each such district shall be identified by name. The form used for this purpose shall be identical to that supplied by the department and shall be delivered to the property appraiser not later than July 31, except that a larger space shall be provided for listing the columnar information specified in subsections (2), (3), (4), and (5). If the executive director of the department grants written permission, the form may be printed only on one side. The governing body of the county shall bear the expense of procuring such form.~~

~~(11)(12)~~ The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

~~(12)(13)(a)~~ If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of proposed or adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

**NOTICE OF PROPOSED PROPERTY TAXES
AND PROPOSED OR ADOPTED
NON-AD VALOREM ASSESSMENTS
DO NOT PAY—THIS IS NOT A BILL**

There must be a clear partition between the notice of proposed property taxes and the notice of proposed or adopted non-ad valorem assessments. The partition must be a bold, horizontal line approximately 1/8-inch thick. By rule, the department shall provide a format for the form of the notice of proposed or adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.
2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the purpose is not clearly indicated by the name of the board.
3. Each non-ad valorem assessment for each levying local governing board must be listed separately.
4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.
5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection (11) ~~(12)~~ shall not be placed on the notice.

Section 9. Effective January 1, 2002, paragraph (a) of subsection (1) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(a) The right to be mailed notice of proposed property taxes and proposed or adopted non-ad valorem assessments (see ss. 194.011(1), 200.065(2)(b) and (d) and (13)(a), and 200.069). The notice must also inform the taxpayer that the final tax bill may contain additional non-ad valorem assessments (see s. 200.069(11)(12)).

Section 10. (1) *There is created the Property Tax Administration Task Force for the purpose of serving as a forum for bringing issues in property tax administration to the Department of Revenue, providing and evaluating suggestions for improving the property tax administration process, and promoting greater understanding of property tax administration issues. The Property Tax Administration Task Force shall consist of members representing business and industry, taxpayer groups, municipalities, counties, school districts, special districts, state government, and elected officials charged with assessing and collecting property taxes. The executive director of the department shall appoint the members. The task force shall make periodic reports to the department concerning findings and recommendations in the area of property tax administration.*

(2) *This section shall take effect upon this act becoming a law.*

Section 11. (1) *There is created an advisory committee on airport and seaport property taxation, consisting of 8 members, two of whom shall be appointed by the Governor. The President of the Senate shall appoint two members, one of which must be a member of the Senate, and the Speaker of the House shall appoint two members, one of which must be a member of the House of Representatives. The executive director of the Department of Revenue and one property appraiser appointed by the executive director shall also serve on the committee. The advisory committee shall study the taxation of airport and seaport property and shall submit a written report on this issue to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2001. The committee shall expire upon completion of the report.*

(2) *This section shall take effect upon becoming a law.*

Section 12. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2, through

Page 3, line 4

remove from the title of the bill: all of said lines

and insert in lieu thereof:

An act relating to ad valorem tax administration; amending s. 193.155, F.S.; revising provisions relating to the correction of errors in the assessment of homestead property due to a material mistake of fact; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; requiring the department, effective for 2003 and subsequent tax rolls, to study assessment roll strata by value groups or market areas to ensure the representativeness of ratio study samples; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet

certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; amending s. 196.24, F.S.; increasing the amount of the exemption provided under s. 3(b), Art. VII of the State Constitution for certain disabled ex-service members; amending s. 197.212, F.S., which allows the board of county commissioners to instruct the tax collector not to mail a tax notice when the amount of taxes is less than a specified amount; increasing such minimum amount; amending s. 197.343, F.S.; revising the deadline for mailing an additional tax notice to a taxpayer whose payment has not been received; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title or abstract company to provide information concerning property described in a tax certificate and providing requirements with respect thereto; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of such fee shall be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S., which provides requirements for the form of the notice of proposed property taxes and non-ad valorem assessments; removing provisions which specify that a separate line entry for each independent special taxing district is optional; revising requirements for entries relating to voted levies for debt service; amending s. 192.0105, F.S.; correcting a reference; creating a Property Tax Administration Task Force and providing its duties; creating an advisory committee on airport and seaport property taxation; providing purposes and membership; requiring a report; providing effective dates.

Rep. Wallace moved the adoption of the amendment.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 203881)

Amendment 1 to Amendment 1 (with title amendment)—On page 1, between lines 17 & 18, of the amendment

insert:

Section 1. (1) Paragraphs (b) and (c) of subsection (1) of section 206.9825, Florida Statutes, are amended to read:

206.9825 Aviation fuel tax.—

(1)

(b) Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, increases the air carrier's Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions, may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid, provided that the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. In calculating the new or additional Florida full-time equivalent employee positions, any full-time equivalent employee positions of parent or subsidiary corporations which existed before January 1, 1996, shall not be counted toward reaching the Florida employment increase thresholds. The refund allowed under this paragraph is in furtherance of the goals and policies of the State Comprehensive Plan set forth in s. 187.201(17)(a), (b)1., 2., (18)(a), (b)1., 4., (20)(a), (b)5., (22)(a), (b)1., 2., 4., 7., 9., and 12. ~~This paragraph will expire on July 1, 2001.~~

(c) ~~If, before July 1, 2001,~~ the number of full-time equivalent employee positions created or added to the air carrier's Florida workforce falls below 250, the exemption granted pursuant to this section shall not apply during the period in which the air carrier has fewer than the 250 additional employees.

(2) This section shall take effect upon this act becoming a law.

And the title is amended as follows:

On page 24, lines 2, of the amendment after the semicolon remove: all of said lines

and insert in lieu thereof: amending s. 206.9825, F.S.; removing the expiration date of provisions which allow any licensed wholesaler or terminal supplier that delivers aviation fuel to certain air carriers to receive a credit or refund of the aviation fuel tax under certain conditions;

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

Representative(s) Johnson offered the following:

(Amendment Bar Code: 261171)

Amendment 2 to Amendment 1 (with title amendment)—On page 1, between lines 17 & 18, insert:

Section 1. If section 35 of chapter 2000-260, Laws of Florida, is repealed by section 58 of said chapter, paragraph (e) 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:

(e) 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., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. 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. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 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. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph 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(6). However, a certified applicant is entitled to 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. 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. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development 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 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. *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 certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.*

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

Section 2. If section 35 of chapter 2000-260, Laws of Florida, is not repealed by section 58 of said chapter, paragraph (e) 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 and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) 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 or remitted pursuant to s. 202.18(1)(b) and (2)(b) 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., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. 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. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 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. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a “facility for a retained spring training franchise” pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph 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(6). However, a certified applicant is entitled to 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. 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. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development 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 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. *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 certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.*

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

Section 3. Paragraph (k) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(k) Payment information relative to chapters 199, 201, 212, 220, and 221 to the Office of Tourism, Trade, and Economic Development in its administration of the tax refund program for qualified defense contractors authorized by s. 288.1045, ~~and~~ the tax refund program for qualified target industry businesses authorized by s. 288.106, ~~and the sales tax reimbursement program for certified sports industry economic development projects authorized by s. 288.113.~~

Section 4. Section 288.113, Florida Statutes, is created to read:

288.113 *Tax reimbursement program for certified sports industry economic development projects.—*

(1) **LEGISLATIVE FINDINGS AND DECLARATIONS.**—*The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certified sports industry economic*

development projects provides high-quality employment opportunities for residents of the state, increases tourism, and enhances the economic foundations of the state. It is the policy of the state to encourage the growth of high-value-added employment to the economic base by providing a sales tax reimbursement to certified sports industry economic development projects that create new employment opportunities and generate new sales tax dollars by expanding businesses within the state or by bringing new businesses to the state.

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

(a) “Certified sports industry economic development project” or “project” means any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes for the state, has submitted a properly completed application to the Office of Tourism, Trade, and Economic Development, and has subsequently been certified by that office as a certified sports industry economic development project.

(b) “Sales tax reimbursement” means the monthly amount to be distributed through a reimbursement to a certified sports industry economic development project pursuant to s. 212.20. Such amount shall be determined by the Office of Tourism, Trade, and Economic Development as provided in this section.

(3) **AMATEUR SPORTS BUSINESS ELIGIBLE TO APPLY.**—

(a) Any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes for the state may submit to the Office of Tourism, Trade, and Economic Development an application for approval as a certified sports industry economic development project for the purpose of receiving a sales tax reimbursement on new sales taxes generated by increased new business and tourism activity directly attributable to the proposed amateur sports industry economic development project.

(b) The number of certified sports industry economic development projects shall not exceed three until June 30, 2006, and thereafter only one new certified sports industry economic development project may be certified by the Office of Tourism, Trade, and Economic Development each year.

(4) **SALES TAX REIMBURSEMENT AND AUTHORIZED AMOUNT.**—Pursuant to s. 212.20, each certified sports industry economic development project shall be eligible for a monthly distribution of its sales tax reimbursement in the amount determined by its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development. The amount shall be based on new sales tax revenues generated under chapter 212 by increased new business and tourism activity directly attributable to the project as determined using the sports economic impact model and, subject to other restrictions, returns 50 percent of that amount to the project. The total amount of sales tax reimbursement for all fiscal years estimated for each project shall not exceed 50 percent of the cost of the project as determined by the Office of Tourism, Trade, and Economic Development in the certification process set forth in subsection (6). The annualized amount of the monthly distribution shall be calculated by the Office of Tourism, Trade, and Economic Development and specified in the applicant’s sales tax reimbursement agreement. Annual payment amounts shall be no less than \$500,000 and no more than \$2 million, unless the Office of Tourism, Trade, and Economic Development reduces payments below \$500,000 under its authority to decertify a project as discussed in subsection (6).

(5) **AUTHORIZED USE OF SALES TAX REIMBURSEMENT PAYMENTS.**—After entering into a sales tax reimbursement agreement under subsection (7), a certified sports industry economic development project may receive a sales tax reimbursement for:

(a) Developing and implementing any component of the project’s sports events and activities;

(b) Constructing, reconstructing, renovating, furnishing, equipping, or operating the project’s facilities or events;

(c) Pledging payments or debt service on or funding debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds for the project’s activities and facilities; or

(d) Paying the cost of relocating the project’s corporate headquarters into the state.

(6) **CERTIFICATION, RECERTIFICATION, AND DECERTIFICATION PROCEDURE.**—

(a) The Office of Tourism, Trade, and Economic Development shall establish a certification process by which a proposed amateur sports industry economic development project may be approved by the office as a certified sports industry economic development project that is eligible to receive economic development incentives in the form of a sales tax reimbursement of a percentage of new sales taxes that have been generated and remitted to the state as a result of the certified sports industry economic development project.

(b) Before certifying an applicant under this subsection, the Office of Tourism, Trade, and Economic Development shall determine that the applicant has:

1. Completed an independent analysis or study, verified by the Office of Tourism, Trade, and Economic Development, which demonstrates that the proposed amateur sports industry economic development project will generate a minimum of \$1 million annually in new sales tax revenues over a multiyear period.

2. Received commitments for amateur sports activities which demonstrate that the proposed amateur sports economic development project will bring to this state on a multiyear basis new proposed amateur sports economic development project activities that will generate a minimum of \$1 million in new sales tax revenues annually, as verified by the Office of Tourism, Trade, and Economic Development.

3. Demonstrated that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred in or related to the development of the proposed amateur sports industry economic development project.

(c) An amateur sports business that has previously been certified under this section and has received a sales tax reimbursement under that certification is ineligible for additional certification.

(d) Upon determining that a proposed amateur sports industry economic development project meets the established criteria for approval as a certified sports industry economic development project and qualifies for a sales tax reimbursement, the Office of Tourism, Trade, and Economic Development shall issue to the applicant a letter of certification that stipulates the terms of the sales tax reimbursement agreement and the penalties for failing to comply with those terms.

(e) The Office of Tourism, Trade, and Economic Development shall deny the application of an amateur sports business to be a certified sports industry economic development project if the office determines that the proposed project does not meet the established criteria for approval.

(f) The Office of Tourism, Trade, and Economic Development shall develop a standardized form for an amateur sports business to complete in applying for certification as a certified sports industry economic development project. The application shall include, but shall not be limited to, relevant information on employment and job creation, proposed budgets, contracts for multiyear events and projects, project financing, and other information requested by the office. The application may be distributed to applicants by the Office of Tourism, Trade, and Economic Development, and all completed applications shall be processed by the office.

(g) Initial certification for a sales tax reimbursement under this section is valid for 120 months. Subsequent to the initial certification period, the certified sports industry economic development project is eligible for two periods of recertification, each of which is valid for 60 months. A project shall request recertification 12 months before the expiration of the certificate.

(h) A certified sports industry economic development project may request recertification after the initial certification period to be qualified for certification as a certified sports industry economic development project for a period not to exceed 240 months.

(i) *The Office of Tourism, Trade, and Economic Development shall recertify, before the end of the first 10-year period, that the certified sports industry economic development project is operational and that the project is meeting the minimum projections for sales tax revenues as required at the time of original certification. If the project is not recertified during this 10-year review period as meeting the minimum projections, funding shall be adjusted until certification criteria are met. If the project fails to generate annual sales tax revenues pursuant to its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, the amount of revenues distributed to the project under s. 212.20(6)(e)7.e. shall be reduced to the amount of the taxes collected times 50 percent. If, for 2 consecutive years, the amount of tax revenues collected falls below a minimum of \$1 million per year, the project may be decertified at the discretion of the Office of Tourism, Trade, and Economic Development. Such a reduction shall remain in effect until the sales tax revenues generated by the project in a 12-month period equal or exceed \$1 million.*

(j) *A project may be decertified if the Office of Tourism, Trade, and Economic Development determines that the amateur sports business can no longer maintain its economic development activities in this state. If the project is no longer in existence, or is no longer viable, as determined by the project's sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, or if the project has the certificate for purposes other than those authorized by this section and chapter 212, the Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue to suspend payment for a period of 6 months until the project is either in compliance with the sales tax reimbursement agreement or is determined to be in default. In addition to other penalties imposed by law, any person who knowingly and willfully falsifies an application for purposes other than those authorized by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(k) *The Office of Tourism, Trade, and Economic Development shall provide written notification to the Department of Revenue of all certifications, recertifications, and decertifications of projects and of the sales tax reimbursement distribution amount each project is entitled to receive.*

(l) *The Office of Tourism, Trade, and Economic Development shall develop rules for the receipt and processing of applications for funding pursuant to s. 212.20.*

(7) SALES TAX REIMBURSEMENT AGREEMENT TERMS.—

(a) *In order to qualify for sales tax reimbursement from the state, each certified sports industry economic development project shall enter into a written agreement with the Office of Tourism, Trade, and Economic Development which specifies, at a minimum:*

1. *The total number of full-time-equivalent jobs created in or transferred to this state as a direct result of the project, the average wage paid for those jobs, the criteria that will apply to measuring the achievement of these terms during the effective period of the agreement, and a time schedule or plan for when such jobs will be in place and operative in the state.*

2. *The maximum amount of new sales taxes estimated to be generated as a result of the project, the maximum amount of sales tax reimbursement that the project is eligible to receive, and the maximum amount of sales tax reimbursement that the project is requesting.*

3. *The budgets, financing, projections, and cost estimates for the sports activities and projects for which reimbursement is sought.*

(b) *Compliance with the terms and conditions of the sales tax reimbursement agreement is a condition precedent for receiving a sales tax reimbursement each year. The terms and timeframe of the agreement shall be commensurate with the duration of the certification period. Failure to comply with the terms and conditions of the sales tax reimbursement agreement shall result in an immediate review by the Office of Tourism, Trade, and Economic Development of the activities of the project.*

(c) *The sales tax reimbursement shall not exceed 50 percent of the total project costs, amortized over a period not to exceed 20 years.*

(d) *Sales tax reimbursement may be provided through direct payment or other means of payment to the certified sports industry economic development project, as determined in the sales tax reimbursement agreement with the approval of the Department of Revenue.*

(8) ADMINISTRATION.—

(a) *The Office of Tourism, Trade, and Economic Development may verify information provided in any claim for sales tax reimbursement under this section, including information regarding employment and wage levels or the payment of taxes under chapter 212 to the appropriate agency, including the Department of Revenue, the Agency for Workforce Innovation, or the appropriate local government or authority.*

(b) *To facilitate the process of monitoring and auditing applications made under this program, the Office of Tourism, Trade, and Economic Development may request information necessary for determining a project's compliance with this section from the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority. These governmental entities shall provide assistance in the areas within their scope of responsibilities.*

(c) *The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required in this section.*

(9) RELATIONSHIP OF SALES TAX REIMBURSEMENTS TO SPORTS INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—*Beginning January 1, 2003, the Office of Tourism, Trade, and Economic Development shall maintain records based on information provided on taxpayer applications for certified sports industry economic development projects that receive sales tax reimbursements. These records shall include a statement of the percentage of the overall new economic impact generated by certified sports industry economic development projects and the amount of funds annually reimbursed to such projects. In addition, the Office of Tourism, Trade, and Economic Development shall maintain data showing the annual growth in Florida-based amateur sports industry businesses and the number of persons employed and wages paid by such businesses. The Office of Tourism, Trade, and Economic Development shall report this information to the Legislature annually, no later than December 1.*

Section 5. Subsection (1) of section 288.1229, Florida Statutes, is amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in:

(a) The promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(b) The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.

(c) *The attraction of amateur sports industry economic development projects to this state for the purposes set forth in paragraphs (a) and (b), as well as for the purposes of increasing national and international media promotions and attention, promoting the quality of life in the state, and promoting tourism, which will have a positive effect on expanding the tax base as well as creating new jobs in the state.*

And the title is amended as follows:

On page 24, line 2, of the amendment after the semicolon

insert: amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state;

Rep. Johnson 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. Wallace, the rules were waived and CS for SB 1576, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 412

Yeas—117

The Chair	Clarke	Hogan	Paul
Alexander	Crow	Holloway	Peterman
Allen	Cusack	Jennings	Pickens
Andrews	Davis	Johnson	Prieguez
Argenziano	Detert	Jordan	Richardson
Arza	Diaz de la Portilla	Joyner	Ritter
Attkisson	Diaz-Balart	Justice	Romeo
Atwater	Dockery	Kallinger	Ross
Ausley	Farkas	Kendrick	Rubio
Baker	Fasano	Kilmer	Russell
Ball	Feeney	Kosmas	Ryan
Barreiro	Fields	Kottkamp	Seiler
Baxley	Flanagan	Kravitz	Simmons
Bean	Frankel	Kyle	Siplin
Bendross-Mindingall	Gannon	Lacasa	Slosberg
Bennett	Garcia	Lee	Smith
Bense	Gardiner	Littlefield	Sobel
Benson	Gelber	Lynn	Sorensen
Berfield	Gibson	Machek	Spratt
Betancourt	Goodlette	Mack	Stansel
Bilirakis	Gottlieb	Mahon	Trovillion
Bowen	Green	Mayfield	Wallace
Brown	Greenstein	McGriff	Waters
Brummer	Haridopolos	Meadows	Weissman
Brutus	Harper	Mealor	Wiles
Bucher	Harrell	Melvin	Wilson
Bullard	Harrington	Miller	Wishner
Byrd	Hart	Murman	
Cantens	Henriquez	Needelman	
Carassas	Heyman	Negron	

Nays—1

Fiorentino

Votes after roll call:

Yeas—Lerner, Rich

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

On motion by Rep. Goodlette, the House moved to the consideration of SB 2240 on Special Orders.

Special Orders

Continuation of Special Order Calendar

SB 2240—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term “additive product”; redefining the terms “motor vehicle service agreement” and “salesperson”; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons shall be subject to pt. IX of ch. 626, F.S., relating to service agreement companies and their salespersons; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.312, F.S.; amending provisions relating to the filing and approval of forms; amending s. 634.313, F.S.; providing for the submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.415, F.S.; providing for the submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices that constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124, 628.4615, F.S.; correcting cross-references; creating s. 634.289, F.S.; providing rulemaking authority; amending s. 634.302, F.S.; providing rulemaking authority; amending s. 634.402, F.S.; providing rulemaking authority; providing for effective dates.

—was read the second time by title.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 543585)

Amendment 1—On page 31, line 26, remove from the bill: 20

and insert in lieu thereof: 120

Rep. Berfield moved the adoption of the amendment, which was adopted.

On motion by Rep. Berfield, the rules were waived and SB 2240, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 413

Yeas—118

The Chair	Clarke	Holloway	Paul
Alexander	Crow	Jennings	Peterman
Allen	Cusack	Johnson	Pickens
Andrews	Davis	Jordan	Prieguez
Argenziano	Diaz de la Portilla	Joyner	Rich
Arza	Diaz-Balart	Justice	Richardson
Attkisson	Dockery	Kallinger	Ritter
Atwater	Farkas	Kendrick	Romeo
Ausley	Fasano	Kilmer	Ross
Baker	Feeney	Kosmas	Rubio
Ball	Fields	Kottkamp	Russell
Barreiro	Fiorentino	Kravitz	Ryan
Baxley	Flanagan	Kyle	Seiler
Bean	Frankel	Lacasa	Simmons
Bendross-Mindingall	Gannon	Lee	Siplin
Bennett	Garcia	Lerner	Slosberg
Bense	Gardiner	Littlefield	Smith
Benson	Gelber	Lynn	Sobel
Berfield	Gibson	Machek	Sorensen
Betancourt	Gottlieb	Mack	Spratt
Bilirakis	Green	Mahon	Stansel
Bowen	Greenstein	Mayfield	Trovillion
Brown	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 806.

Bills and Joint Resolutions on Third Reading

CS for SB 806—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting an applicant for a license as a customer representative from examination requirements under certain conditions; exempting an applicant for a license as an adjuster from examination requirements under certain conditions; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 414

Yeas—118

The Chair	Andrews	Attkisson	Baker
Alexander	Argenziano	Atwater	Ball
Allen	Arza	Ausley	Barreiro

Baxley	Fasano	Justice	Prieguez
Bean	Feeney	Kallinger	Rich
Bendross-Mindingall	Fields	Kendrick	Richardson
Bennett	Fiorentino	Kilmer	Ritter
Bense	Flanagan	Kosmas	Romeo
Benson	Frankel	Kottkamp	Ross
Berfield	Gannon	Kravitz	Rubio
Betancourt	Garcia	Kyle	Russell
Bilirakis	Gardiner	Lacasa	Ryan
Bowen	Gelber	Lee	Seiler
Brown	Gibson	Lerner	Simmons
Brummer	Goodlette	Littlefield	Siplin
Brutus	Gottlieb	Lynn	Slosberg
Bucher	Green	Machek	Smith
Bullard	Greenstein	Mack	Sobel
Byrd	Haridopolos	Mahon	Sorensen
Cantens	Harper	McGriff	Spratt
Carassas	Harrell	Meadows	Stansel
Clarke	Hart	Mealor	Trovillion
Crow	Henriquez	Melvin	Wallace
Cusack	Heyman	Miller	Waters
Davis	Hogan	Murman	Weissman
Detert	Holloway	Needelman	Wiles
Diaz de la Portilla	Jennings	Negron	Wilson
Diaz-Balart	Johnson	Paul	Wishner
Dockery	Jordan	Peterman	
Farkas	Joyner	Pickens	

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 890 on Special Orders.

Special Orders

Continuation of Special Order Calendar

CS for SB 890—A bill to be entitled An act relating to mortgages; amending s. 697.07, F.S.; providing that rents in the control of a mortgagor are subject to assignment of rents; correcting provisions relating to assignment of rents; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney’s fees are reasonable are not necessary under certain conditions; providing that attorney’s fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney’s fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing that the petitioner or petitioner’s attorney is responsible for placing the legal advertisement, publication, or notice of a foreclosure proceeding; providing an effective date.

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

Session Vote Sequence: 415

Yeas—114

The Chair	Ball	Brown	Cusack
Alexander	Barreiro	Brummer	Davis
Allen	Baxley	Brutus	Detert
Andrews	Bean	Bucher	Diaz de la Portilla
Argenziano	Bendross-Mindingall	Bullard	Diaz-Balart
Arza	Bennett	Byrd	Dockery
Attkisson	Benson	Cantens	Farkas
Atwater	Berfield	Carassas	Fasano
Ausley	Bilirakis	Clarke	Feeney
Baker	Bowen	Crow	Fields

Florentino	Jennings	Mahon	Ryan
Flanagan	Johnson	Mayfield	Seiler
Frankel	Jordan	McGriff	Simmons
Garcia	Joyner	Meadows	Siplin
Gardiner	Justice	Mealor	Slosberg
Gelber	Kallinger	Melvin	Smith
Gibson	Kendrick	Murman	Sobel
Goodlette	Kilmer	Needelman	Sorensen
Gottlieb	Kosmas	Negron	Spratt
Green	Kottkamp	Paul	Stansel
Greenstein	Kravitz	Peterman	Trovillion
Haridopolos	Kyle	Pickens	Wallace
Harper	Lacasa	Prieguez	Waters
Harrell	Lee	Rich	Weissman
Hart	Lerner	Richardson	Wiles
Henriquez	Littlefield	Ritter	Wilson
Heyman	Lynn	Romeo	Wishner
Hogan	Machek	Ross	
Holloway	Mack	Rubio	

Nays—None

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

THE SPEAKER IN THE CHAIR

On motion by Rep. Goodlette, the House moved to the consideration of CS/CS/HB 721.

Bills and Joint Resolutions on Third Reading

CS/CS/HB 721—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 416

Yeas—118

The Chair	Byrd	Harrell	Mayfield
Alexander	Cantens	Harrington	Maygarden
Allen	Clarke	Hart	McGriff
Andrews	Crow	Henriquez	Meadows
Argenziano	Cusack	Heyman	Mealor
Arza	Davis	Hogan	Melvin
Attkisson	Detert	Holloway	Miller
Atwater	Diaz de la Portilla	Jennings	Murman
Ausley	Diaz-Balart	Johnson	Needelman
Baker	Dockery	Jordan	Negron
Ball	Farkas	Joyner	Paul
Barreiro	Fasano	Justice	Peterman
Baxley	Fields	Kallinger	Pickens
Bean	Florentino	Kendrick	Prieguez
Bendross-Mindingall	Flanagan	Kilmer	Rich
Bennett	Frankel	Kosmas	Richardson
Bense	Gannon	Kottkamp	Ritter
Benson	Garcia	Kravitz	Romeo
Berfield	Gardiner	Kyle	Ross
Betancourt	Gelber	Lacasa	Rubio
Bilirakis	Gibson	Lee	Russell
Bowen	Goodlette	Lerner	Ryan
Brown	Gottlieb	Littlefield	Seiler
Brummer	Green	Lynn	Siplin
Brutus	Greenstein	Machek	Slosberg
Bucher	Haridopolos	Mack	Smith
Bullard	Harper	Mahon	Sobel

Sorensen	Trovillion	Weissman	Wilson
Spratt	Wallace	Wiles	Wishner
Stansel	Waters		

Nays—1

Carassas

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

CS/HB 997—A bill to be entitled An act relating to persons with disabilities; creating s. 413.402, F.S.; directing the Florida Association of Centers for Independent Living to develop a personal care attendant pilot program to serve persons with spinal cord injuries; providing for memorandums of understanding with specified entities; providing eligibility for pilot program participation; providing for selection and training of participants and personal care attendants; providing for assessment of participants for work-related training programs; providing for development of a plan for program implementation; requiring a report to the Legislature; providing for implementation on a specified date; directing the Department of Revenue to develop and implement a tax collection enforcement diversion program; providing for coordination with the Florida Association of Centers for Independent Living, the Florida Prosecuting Attorneys Association, and the state attorneys' offices; providing for deposit and use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; amending s. 18 of ch. 99-144, Laws of Florida; extending repeal date of a developmental disabilities pilot program; requiring an additional report; providing an appropriation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 417

Yeas—119

The Chair	Clarke	Hogan	Negron
Alexander	Crow	Holloway	Paul
Allen	Cusack	Jennings	Peterman
Andrews	Davis	Johnson	Pickens
Argenziano	Detert	Joyner	Prieguez
Arza	Diaz de la Portilla	Justice	Rich
Attkisson	Diaz-Balart	Kallinger	Richardson
Atwater	Dockery	Kendrick	Ritter
Ausley	Farkas	Kilmer	Romeo
Baker	Fasano	Kosmas	Ross
Ball	Fields	Kottkamp	Rubio
Barreiro	Florentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Ryan
Bean	Frankel	Lacasa	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 788 on Special Orders.

Special Orders

Continuation of Special Order Calendar

CS for SB 788—A bill to be entitled An act relating to unfair methods of competition and unfair or deceptive trade practices; amending s. 626.9541, F.S.; prohibiting certain insurers from specified discriminatory acts based upon an applicant or insureds having been or likelihood to become a victim of specified abuse; providing exceptions; providing an effective date.

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

Session Vote Sequence: 418

Yeas—119

The Chair	Crow	Holloway	Negron
Alexander	Cusack	Jennings	Paul
Allen	Davis	Johnson	Peterman
Andrews	Detert	Jordan	Pickens
Argenziano	Diaz de la Portilla	Joyner	Prieguez
Arza	Diaz-Balart	Justice	Rich
Attkisson	Dockery	Kallinger	Richardson
Atwater	Farkas	Kendrick	Ritter
Ausley	Fasano	Kilmer	Romeo
Baker	Fields	Kosmas	Ross
Ball	Fiorentino	Kottkamp	Rubio
Barreiro	Flanagan	Kravitz	Russell
Baxley	Frankel	Kyle	Ryan
Bean	Gannon	Lacasa	Seiler
Bendross-Mindingall	Garcia	Lee	Simmons
Bennett	Gardiner	Lerner	Siplin
Bense	Gelber	Littlefield	Slosberg
Benson	Gibson	Lynn	Smith
Berfield	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner
Clarke	Hogan	Needelman	

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 1788 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

CS for SB 1788—A bill to be entitled An act relating to dentistry; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental service claims; amending s. 456.031, F.S.; providing an alternative by which licensees under ch. 466, F.S., may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which such licensees may comply with a general requirement that they take AIDS/HIV education courses; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 419

Yeas—115

The Chair	Clarke	Holloway	Paul
Alexander	Crow	Jennings	Peterman
Allen	Cusack	Johnson	Pickens
Andrews	Davis	Jordan	Prieguez
Argenziano	Detert	Joyner	Rich
Arza	Diaz de la Portilla	Justice	Richardson
Attkisson	Diaz-Balart	Kallinger	Ritter
Atwater	Dockery	Kendrick	Romeo
Ausley	Farkas	Kilmer	Ross
Baker	Fasano	Kosmas	Rubio
Ball	Fields	Kottkamp	Russell
Barreiro	Fiorentino	Kyle	Ryan
Baxley	Flanagan	Lacasa	Seiler
Bean	Frankel	Lee	Simmons
Bendross-Mindingall	Gannon	Lerner	Siplin
Bennett	Gardiner	Littlefield	Slosberg
Bense	Gelber	Lynn	Smith
Benson	Gibson	Machek	Sobel
Berfield	Gottlieb	Mack	Sorensen
Bilirakis	Green	Mahon	Spratt
Bowen	Greenstein	Maygarden	Stansel
Brown	Haridopolos	McGriff	Trovillion
Brummer	Harper	Meadows	Wallace
Brutus	Harrell	Mealor	Waters
Bucher	Harrington	Melvin	Weissman
Bullard	Hart	Miller	Wiles
Byrd	Henriquez	Murman	Wilson
Cantens	Heyman	Needelman	Wishner
Carassas	Hogan	Negron	

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 2110 on Special Orders.

Special Orders

Continuation of Special Order Calendar

CS for SB 2110—A bill to be entitled An act relating to Medicaid services; amending s. 409.905, F.S.; providing that the Agency for Health Care Administration may restrict the provision of mandatory services by mobile providers; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; providing an effective date.

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

Session Vote Sequence: 420

Yeas—119

Alexander	Bean	Bucher	Dockery
Allen	Bendross-Mindingall	Bullard	Farkas
Andrews	Bennett	Byrd	Fasano
Argenziano	Bense	Cantens	Fields
Arza	Benson	Carassas	Fiorentino
Attkisson	Berfield	Clarke	Flanagan
Atwater	Betancourt	Crow	Frankel
Ausley	Bilirakis	Cusack	Gannon
Baker	Bowen	Davis	Garcia
Ball	Brown	Detert	Gardiner
Barreiro	Brummer	Diaz de la Portilla	Gelber
Baxley	Brutus	Diaz-Balart	Gibson

Goodlette	Kallinger	Meadows	Ryan
Gottlieb	Kendrick	Mealor	Seiler
Green	Kilmer	Melvin	Simmons
Greenstein	Kosmas	Miller	Siplin
Haridopolos	Kottkamp	Murman	Slosberg
Harper	Kravitz	Needelman	Smith
Harrell	Kyle	Negron	Sobel
Harrington	Lacasa	Paul	Sorensen
Hart	Lee	Peterman	Spratt
Henriquez	Lerner	Pickens	Stansel
Heyman	Littlefield	Prieguez	Trovillion
Hogan	Lynn	Rich	Wallace
Holloway	Machek	Richardson	Waters
Jennings	Mack	Ritter	Weissman
Johnson	Mahon	Romeo	Wiles
Jordan	Mayfield	Ross	Wilson
Joyner	Maygarden	Rubio	Wishner
Justice	McGriff	Russell	

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of HB 701 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

HB 701—A bill to be entitled An act relating to road designations; designating a portion of State Road 16 as the Correctional Officers Memorial Highway; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the third time by title.

Representative(s) Bean offered the following:

(Amendment Bar Code: 612241)

Amendment 1 (with title amendment)—On page 1, line 10 of the bill,

insert:

Section 1. *Ed Fraser Memorial Highway designation; markers.*—

(1) *State Road 121, from the Georgia-Florida line in Baker County to the city limits of Lake Butler in Union County is hereby designated as the Ed Fraser Memorial Highway.*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating the Ed Fraser Memorial Highway as described in subsection (1).*

And the title is amended as follows:

On page 1, line 2, after the semicolon,

insert: designating a portion of State Road 121 as the “Ed Fraser Memorial Highway;”

Rep. Bean moved the adoption of the amendment, which was adopted by the required two-thirds vote.

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

Session Vote Sequence: 421

Yeas—110

The Chair	Atwater	Bendross-Mindingall	Bowen
Alexander	Ausley	Bennett	Brown
Allen	Baker	Bense	Brutus
Andrews	Ball	Benson	Bucher
Argenziano	Barreiro	Berfield	Bullard
Arza	Baxley	Betancourt	Byrd
Attkisson	Bean	Bilirakis	Carassas

Cusack	Haridopolos	Lee	Romeo
Davis	Harper	Lerner	Ross
Detert	Harrell	Littlefield	Rubio
Diaz de la Portilla	Harrington	Lynn	Russell
Diaz-Balart	Hart	Machek	Seiler
Dockery	Henriquez	Mack	Simmons
Farkas	Heyman	Mahon	Siplin
Fasano	Holloway	Mayfield	Slosberg
Fields	Jennings	McGriff	Smith
Fiorentino	Johnson	Meadows	Sorensen
Flanagan	Jordan	Mealor	Spratt
Frankel	Joyner	Melvin	Stansel
Gannon	Justice	Miller	Trovillion
Garcia	Kallinger	Murman	Wallace
Gardiner	Kendrick	Needelman	Waters
Gelber	Kilmer	Negron	Weissman
Gibson	Kosmas	Peterman	Wiles
Goodlette	Kottkamp	Pickens	Wilson
Gottlieb	Kravitz	Rich	Wishner
Green	Kyle	Richardson	
Greenstein	Lacasa	Ritter	

Nays—1

Hogan

Votes after roll call:

Yeas—Brummer, Ryan, Sobel

Nays to Yeas—Hogan

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 2220 on Special Orders.

Special Orders

Continuation of Special Order Calendar

CS for SB 2220—A bill to be entitled An act relating to governmental data processing; creating s. 119.084, F.S.; providing definitions; authorizing governmental agencies to acquire, hold, and enforce copyrights for data processing software they create; authorizing sale or license of such software; authorizing establishment of sales price and licensing fee; providing requirements for electronic recordkeeping systems; providing for access to public records maintained in electronic recordkeeping systems; providing for fees to be charged for copying public records maintained in electronic recordkeeping systems; prohibiting contracts for public records databases that impair public access to public records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Session Vote Sequence: 422

Yeas—119

The Chair	Bean	Bullard	Fasano
Alexander	Bendross-Mindingall	Byrd	Fields
Allen	Bennett	Cantens	Fiorentino
Andrews	Bense	Carassas	Flanagan
Argenziano	Benson	Clarke	Frankel
Arza	Berfield	Crow	Gannon
Attkisson	Betancourt	Cusack	Garcia
Atwater	Bilirakis	Davis	Gardiner
Ausley	Bowen	Detert	Gelber
Baker	Brown	Diaz de la Portilla	Gibson
Ball	Brummer	Diaz-Balart	Goodlette
Barreiro	Brutus	Dockery	Gottlieb
Baxley	Bucher	Farkas	Green

Greenstein	Kilmer	Mealor	Ryan
Haridopolos	Kosmas	Melvin	Seiler
Harper	Kottkamp	Miller	Simmons
Harrell	Kravitz	Murman	Siplin
Harrington	Kyle	Needelman	Slosberg
Hart	Lacasa	Negron	Smith
Henriquez	Lee	Paul	Sorensen
Heyman	Lerner	Peterman	Spratt
Hogan	Littlefield	Pickens	Stansel
Holloway	Lynn	Prieguez	Trovillion
Jennings	Machek	Rich	Wallace
Johnson	Mack	Richardson	Waters
Jordan	Mahon	Ritter	Weissman
Joyner	Mayfield	Romeo	Wiles
Justice	Maygarden	Ross	Wilson
Kallinger	McGriff	Rubio	Wishner
Kendrick	Meadows	Russell	

Ritter	Ryan	Smith	Wallace
Romeo	Seiler	Sobel	Weissman
Ross	Simmons	Sorensen	Wiles
Rubio	Siplin	Stansel	Wilson
Russell	Slosberg	Trovillion	Wishner

Nays—None

Votes after roll call:

Yeas—Sobel

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

On motion by Rep. Goodlette, the House moved to the consideration of SB 1148 on Special Orders.

SB 1148—A bill to be entitled An act relating to corrections; revising provisions relating to leased or managed work programs to conform to current operations and applications; amending ss. 946.502, 946.5025, 946.5026, 946.503, 946.506, 946.509, 946.511, 946.514, 946.516, 946.518, 946.520, F.S.; conforming internal cross-references; deleting obsolete provisions; clarifying a definition; changing a reporting date; amending s. 957.04, F.S., to conform a cross-reference; providing a declaration of important state interest; creating s. 946.525, F.S.; establishing participation requirements; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the Department of Corrections by offenders placed on community control; providing an effective date.

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

Session Vote Sequence: 423

Yeas—116

The Chair	Brutus	Gottlieb	Lacasa
Alexander	Bucher	Green	Lee
Allen	Bullard	Greenstein	Lerner
Andrews	Byrd	Haridopolos	Littlefield
Argenziano	Cantens	Harper	Lynn
Arza	Carassas	Harrell	Machek
Attkisson	Clarke	Harrington	Mack
Atwater	Crow	Hart	Mahon
Ausley	Cusack	Henriquez	Mayfield
Baker	Davis	Heyman	Maygarden
Ball	Detert	Hogan	McGriff
Barreiro	Diaz de la Portilla	Holloway	Meadows
Baxley	Diaz-Balart	Jennings	Mealor
Bean	Dockery	Johnson	Melvin
Bendross-Mindingall	Farkas	Jordan	Miller
Bennett	Fiorentino	Joyner	Murman
Bense	Flanagan	Justice	Needelman
Benson	Frankel	Kallinger	Negron
Berfield	Gannon	Kendrick	Paul
Betancourt	Garcia	Kilmer	Peterman
Bilirakis	Gardiner	Kosmas	Pickens
Bowen	Gelber	Kottkamp	Prieguez
Brown	Gibson	Kravitz	Rich
Brummer	Goodlette	Kyle	Richardson

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of HB 1471 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

HB 1471—A bill to be entitled An act relating to public food service establishments and alcoholic beverage licenses; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; repealing s. 561.32(6), F.S., relating to special transfer restrictions and transfer fees pertaining to alcoholic beverage licenses issued after a specified date; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 424

Yeas—117

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Pickens
Arza	Diaz de la Portilla	Joyner	Prieguez
Attkisson	Diaz-Balart	Justice	Rich
Atwater	Dockery	Kallinger	Richardson
Ausley	Farkas	Kendrick	Ritter
Baker	Fasano	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Spratt
Bowen	Green	Mahon	Stansel
Brown	Greenstein	Mayfield	Trovillion
Brummer	Haridopolos	Maygarden	Wallace
Brutus	Harper	McGriff	Waters
Bucher	Harrell	Meadows	Weissman
Bullard	Harrington	Mealor	Wishner
Byrd	Hart	Melvin	
Cantens	Henriquez	Miller	
Carassas	Heyman	Murman	

Nays—None

Votes after roll call:

Yeas—Wiles

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

On motion by Rep. Goodlette, the rules were waived and the House moved to the order of—

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 563, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 563—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; providing for a portion of unappropriated funds to be deposited into the endowment fund; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

Senate Amendment 1—On page 5, lines 1-5, delete those lines and insert:

(c) *Amounts to be transferred under subparagraphs (b)2., 3., and 4. may be reduced by an amount equal to the*

Senate Amendment 2—On page 5, line 9, delete the words “Beginning in”

and insert: *For*

Senate Amendment 3—On page 5, line 11, delete the word “to” and insert: *, the income from which shall*

Senate Amendment 4—On page 5, line 13, following the word “The” insert: *income from the*

Senate Amendment 5—On page 9, lines 1-30, delete those lines and insert:

(a) *The advisory council shall consist of 15 members, including:*

1. *The director of the United Way of Florida, Inc., or his or her designee;*

2. *The director of the Foster Parents Association, or his or her designee;*

3. *The chair of the Department of Elderly Affairs Advisory Council, or his or her designee;*

4. *The president of the Florida Association of Area Agencies on Aging, or his or her designee;*

5. *The State Long-Term Care Ombudsman, or his or her designee;*

6. *The state director of the Florida AARP, or his or her designee;*

7. *The director of the Florida Pediatric Society, or his or her designee;*

8. *A representative of the Guardian Ad Litem Program, appointed by the Governor;*

9. *A representative of a child welfare lead agency for community-based care, appointed by the Governor;*

10. *A representative of an elder care lead agency for community-based care, appointed by the Governor;*

11. *A representative of a statewide child advocacy organization, appointed by the Governor;*

12. *One consumer caregiver for children, appointed by the Governor;*

13. *One person over the age of 60 years to represent the interests of elders, appointed by the Governor;*

14. *One person under the age of 18 years to represent the interests of children, appointed by the Governor; and*

15. *One consumer caregiver for a functionally impaired elderly person, appointed by the Governor.*

On motion by Rep. Fasano, the House concurred in Senate Amendments 1, 2, 3, 4, and 5. The question recurred on the passage of CS/HB 563. The vote was:

Session Vote Sequence: 425

Yeas—120

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Pickens
Arza	Diaz de la Portilla	Joyner	Prieguez
Attkisson	Diaz-Balart	Justice	Rich
Atwater	Dockery	Kallinger	Richardson
Ausley	Farkas	Kendrick	Ritter
Baker	Fasano	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

On motion by Rep. Waters, consideration of **CS/CS/HB 681** was temporarily postponed under Rule 11.10.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 638 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Wasserman Schultz—

SB 638—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees' sick leave by their family members who also are district employees; providing for use of donated sick leave and restrictions; providing an effective date.

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

Representative(s) Diaz-Balart offered the following:

(Amendment Bar Code: 100171)

Amendment 1 (with title amendment)—On page 1, line 10, of the bill

insert:

Section 1. There is hereby appropriated from the General Revenue Fund to the University of Miami-RSMAS Integrated Marine Research and Educational Program for fiscal year 2001-2002 a sum of \$200,000.

And the title is amended as follows:

On page 1, line 2, remove from the title of the bill: all of said line

and insert in lieu thereof: An act relating to education; providing an appropriation to the University of Miami-RSMAS Integrated Marine Research and Educational Program;

Rep. Diaz-Balart moved the adoption of the amendment.

Further consideration of SB 638, with pending amendment, was temporarily postponed under Rule 11.10.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1038, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Criminal Justice and Senator Sanderson—

CS for CS for SB 1038—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a “vehicular homicide”; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; providing a claim for civil damages; amending ss. 921.0022, 960.03, F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of “crime” with respect to the Florida Crimes Compensation Act; conforming provisions to changes made by the act; providing an effective date.

—was read the first time by title.

Rep. Andrews moved to waive the rules and read CS for CS for SB 1038 the second time by title, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 426

Yeas—78

Table listing names of representatives: The Chair, Alexander, Allen, Andrews, Argenziano, Arza, Attkisson, Atwater, Baker, Ball, Barreiro, Baxley, Bennett, Bense, Benson, Berfield, Bilirakis, Bowen, Brown, Brummer, Byrd, Cantens, Carassas, Clarke, Crow, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Fasano, Fiorentino, Flanagan, Garcia, Gardiner, Gibson, Goodlette, Green, Haridopolos, Harrell, Harrington, Hart, Hogan, Johnson, Jordan, Kallinger, Kendrick, Kilmer, Kottkamp, Kravitz, Kyle, Lacasa, Littlefield, Lynn, Mack, Mahon, Mayfield, Maygarden, Mealor

Table listing names of representatives: Melvin, Miller, Murman, Needelman, Negron, Paul, Pickens, Prieguez, Ross, Rubio, Russell, Simmons, Sorensen, Spratt, Stansel, Trovillion, Wallace, Waters

Nays—41

Table listing names of representatives: Ausley, Bendross-Mindingall, Betancourt, Brutus, Bucher, Bullard, Cusack, Fields, Frankel, Gannon, Gelber, Gottlieb, Greenstein, Harper, Henriquez, Heyman, Holloway, Jennings, Joyner, Justice, Kosmas, Lee, Lerner, Macheck, McGriff, Meadows, Peterman, Rich, Richardson, Ritter, Romeo, Ryan, Seiler, Siplin, Slosberg, Smith, Sobel, Weissman, Wiles, Wilson, Wishner

Votes after roll call:

Yeas—Bean

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1284, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Children and Families and Senator Peaden—

CS for SB 1284—A bill to be entitled An act relating to child support enforcement; amending ss. 61.11, 61.13, 61.13015, 61.13016, 61.181, 61.1824, 328.42, 409.2557, 409.25575, 409.2561, 409.2564, 409.2565, 409.25657, 409.25658, 409.2567, 409.2578, 409.2579, 409.2594, 409.2598, 414.095, 443.051, F.S.; deleting reference to child support and providing reference to support; amending ss. 69.041, 213.053, 231.097, 320.05, 328.42, 414.065, 455.203, 456.004, 559.79, 943.053, F.S.; including reference to the definition of support; amending s. 24.115, F.S.; including spousal support or alimony for the former spouse of an obligor if child support is being enforced by the Department of Revenue among a list of items that must be paid prior to the award of certain prizes; amending s. 61.046, F.S.; redefining the term “support order”; defining the term “support”; amending s. 61.1301, F.S.; prescribing the time within which an order of income deduction may be entered after an order establishing or modifying support; providing for the court to request that an income-deduction order reflect the payment cycle of the payor; amending s. 61.13016, F.S.; requiring that any costs and fees associated with delinquency be paid to prevent suspension of a driver’s license; repealing s. 61.1307, F.S., relating to the collection of motor vehicle impact fee refunds for child support; amending s. 61.1354, F.S.; revising provisions with respect to the sharing of information between consumer reporting agencies and the Title IV-D agency; amending s. 61.14, F.S.; including reference to the State Disbursement Unit with respect to support payments; amending s. 61.14, F.S.; providing for retroactive increase or decrease in support, maintenance, or alimony; providing requirements for judges of compensation claims with respect to settlement of a lump-sum payment; specifying the delinquency amount for which notice to the obligor is required; amending s. 61.1825, F.S.; revising provisions with respect to the state case registry to include additional provisions requiring the placement of a family violence indicator in the record; amending s. 61.30, F.S.; redefining the term “gross income” with respect to child support guidelines; authorizing the court to adjust the minimum child support award based on consideration of the particular shared parental arrangement; specifying procedure for adjustment of any award of child support when the particular shared parental arrangement provides that each child spend a substantial amount of time with each parent; specifying circumstances under which failure of a noncustodial parent to exercise visitation may trigger modification of the child support award; providing for retroactive application of such modified support award; prescribing conditions under which income from secondary employment may be disregarded in modifying an existing award; amending s. 120.80, F.S.; providing for

proceedings for administrative child support orders under the Department of Revenue; amending s. 322.058, F.S.; including additional provisions requiring the suspension of a drivers' license for failure to comply with a subpoena, order to appear, order to show cause, or similar order with respect to a delinquent support obligation; amending s. 322.142, F.S.; including an additional reason that reproductions of records with respect to drivers' licenses may be sent from the Department of Highway Safety and Motor Vehicles; amending s. 328.42, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to allow the Department of Revenue to screen applicants for new or renewal vessel registrations to assure compliance with an obligation for support; amending s. 409.2554, F.S.; redefining the term "public assistance" and "support"; defining the terms "undistributable collection" and "unidentifiable collection"; amending s. 409.2558, F.S.; revising provisions with respect to support distribution and disbursement to include reference to undistributable collections and unidentifiable collections; providing rulemaking authority; providing for review prior to the formal rule-development process; providing for a report to the Legislature; amending s. 409.2561, F.S.; deleting reference to public assistance and including reference to temporary cash or Title IV-E assistance; creating s. 409.2563, F.S.; creating a pilot program for the administrative establishment of child-support obligations; providing definitions; providing legislative intent with respect to an alternative procedure for establishing child support obligations in certain cases; authorizing the Department of Children and Family Services to establish an administrative support order; providing procedures; providing notice requirements; providing for a hearing conducted by the Division of Administrative Hearings; providing that a final order by an administrative law judge constitutes final agency action; providing for collection and enforcement of an administrative support order; providing for judicial review and a prospective change in the support obligation; providing for disclosures and a presumption of receipt of certain notices, payments, and orders; authorizing the department to adopt rules; providing requirements for establishing the pilot program; providing for expiration of the pilot program; amending s. 409.2564, F.S.; revising provisions with respect to actions for support; amending s. 409.25645, F.S.; revising provisions with respect to administrative orders for genetic testing; amending s. 409.25656, F.S.; revising provisions with respect to garnishment; amending s. 409.2572, F.S.; including reference to public assistance with respect to certain acts of noncooperation; amending s. 409.2578, F.S.; revising provisions with respect to access to employment information for enforcing support obligations; repealing s. 409.2591, F.S.; relating to unidentifiable moneys held in a special account; amending s. 414.32, F.S.; revising provisions with respect to certain food stamp programs; amending s. 440.20, F.S.; revising provisions with respect to lump-sum payments under workers compensation; amending s. 440.22, F.S.; providing that exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony; amending s. 742.12, F.S.; revising provisions with respect to scientific testing to determine paternity; providing for a case analysis; providing effective dates.

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

Session Vote Sequence: 427

Yeas—114

The Chair	Bean	Bucher	Fasano
Alexander	Bendross-Mindingall	Bullard	Fields
Allen	Bennett	Cantens	Flanagan
Argenziano	Bense	Carassas	Frankel
Arza	Benson	Clarke	Gannon
Attkisson	Berfield	Crow	Garcia
Atwater	Betancourt	Cusack	Gardiner
Ausley	Bilirakis	Davis	Gelber
Baker	Bowen	Detert	Gibson
Ball	Brown	Diaz de la Portilla	Gottlieb
Barreiro	Brummer	Dockery	Green
Baxley	Brutus	Farkas	Greenstein

Haridopolos	Kosmas	Melvin	Simmons
Harper	Kottkamp	Miller	Siplin
Harrell	Kravitz	Murman	Slosberg
Harrington	Kyle	Needelman	Smith
Hart	Lacasa	Negron	Sobel
Henriquez	Lee	Paul	Sorensen
Heyman	Lerner	Peterman	Spratt
Hogan	Littlefield	Pickens	Stansel
Holloway	Lynn	Prieguez	Trovillion
Jennings	Machek	Rich	Wallace
Johnson	Mack	Richardson	Waters
Jordan	Mahon	Ritter	Weissman
Joyner	Mayfield	Romeo	Wiles
Justice	Maygarden	Ross	Wilson
Kallinger	McGriff	Russell	Wishner
Kendrick	Meadows	Ryan	
Kilmer	Mealor	Seiler	

Nays—None

Votes after roll call:

Yeas—Andrews, Fiorentino

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1344 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Saunders—

SB 1344—A bill to be entitled An act relating to preference in appointment and retention of public employees; amending s. 295.07, F.S.; eliminating the exemption of the positions of city and county managers, management positions, and policymaking positions from being subject to certain preference for military service; providing an effective date.

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

Session Vote Sequence: 428

Yeas—117

The Chair	Bucher	Green	Littlefield
Alexander	Bullard	Greenstein	Lynn
Allen	Byrd	Haridopolos	Machek
Andrews	Cantens	Harper	Mack
Argenziano	Carassas	Harrell	Mahon
Arza	Clarke	Hart	Maygarden
Attkisson	Crow	Henriquez	McGriff
Atwater	Cusack	Heyman	Meadows
Ausley	Davis	Hogan	Mealor
Baker	Detert	Holloway	Melvin
Ball	Diaz de la Portilla	Jennings	Miller
Barreiro	Diaz-Balart	Johnson	Murman
Baxley	Dockery	Jordan	Needelman
Bean	Farkas	Joyner	Negron
Bendross-Mindingall	Fasano	Justice	Paul
Bennett	Fields	Kallinger	Peterman
Bense	Florentino	Kendrick	Pickens
Benson	Flanagan	Kilmer	Prieguez
Berfield	Frankel	Kosmas	Rich
Betancourt	Gannon	Kottkamp	Richardson
Bilirakis	Garcia	Kravitz	Ritter
Bowen	Gardiner	Kyle	Romeo
Brown	Gelber	Lacasa	Ross
Brummer	Gibson	Lee	Rubio
Brutus	Gottlieb	Lerner	Russell

Ryan	Smith	Trovillion	Wilson
Seiler	Sobel	Wallace	Wishner
Simmons	Sorensen	Waters	
Siplin	Spratt	Weissman	
Slosberg	Stansel	Wiles	

Nays—None

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

Motion to Reconsider

Rep. Ryan moved that the House reconsider the vote by which the motion to waive the rules and read **CS for CS for SB 1038** the second time failed to receive the necessary two-thirds vote for adoption, which was agreed to. The vote was:

Session Vote Sequence: 429

Yeas—77

The Chair	Cantens	Harrington	Miller
Alexander	Carassas	Hart	Murman
Allen	Clarke	Hogan	Needelman
Andrews	Crow	Johnson	Negron
Argenziano	Davis	Jordan	Paul
Arza	Detert	Kallinger	Pickens
Attkisson	Diaz de la Portilla	Kendrick	Prieguez
Atwater	Diaz-Balart	Kilmer	Ross
Baker	Dockery	Kottkamp	Rubio
Ball	Farkas	Kravitz	Russell
Barreiro	Fasano	Kyle	Simmons
Baxley	Fiorentino	Lacasa	Sorensen
Bean	Flanagan	Littlefield	Spratt
Bennett	Garcia	Lynn	Stansel
Bense	Gardiner	Mack	Trovillion
Berfield	Gibson	Mahon	Wallace
Bowen	Goodlette	Mayfield	Waters
Brown	Green	Maygarden	
Brummer	Haridopolos	Mealor	
Byrd	Harrell	Melvin	

Nays—41

Ausley	Gottlieb	Lerner	Siplin
Bendross-Mindingall	Greenstein	Machek	Slosberg
Betancourt	Harper	McGriff	Smith
Brutus	Henriquez	Meadows	Sobel
Bucher	Heyman	Peterman	Weissman
Bullard	Holloway	Rich	Wiles
Cusack	Jennings	Richardson	Wilson
Fields	Joyner	Ritter	Wishner
Frankel	Justice	Romeo	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

The question recurred on the motion to waive the rules and read **CS for CS for SB 1038** the second time by title, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 430

Yeas—78

The Chair	Barreiro	Brummer	Dockery
Alexander	Baxley	Byrd	Farkas
Allen	Bean	Cantens	Fasano
Andrews	Bennett	Carassas	Fiorentino
Argenziano	Bense	Clarke	Flanagan
Arza	Benson	Crow	Garcia
Attkisson	Berfield	Davis	Gardiner
Atwater	Bilirakis	Detert	Gibson
Baker	Bowen	Diaz de la Portilla	Goodlette
Ball	Brown	Diaz-Balart	Green

Haridopolos	Kottkamp	Melvin	Russell
Harrell	Kravitz	Miller	Simmons
Harrington	Kyle	Murman	Sorensen
Hart	Lacasa	Needelman	Spratt
Hogan	Littlefield	Negron	Stansel
Johnson	Mack	Paul	Trovillion
Jordan	Mahon	Pickens	Wallace
Kallinger	Mayfield	Prieguez	Waters
Kendrick	Maygarden	Ross	
Kilmer	Mealor	Rubio	

Nays—42

Ausley	Gottlieb	Lerner	Seiler
Bendross-Mindingall	Greenstein	Lynn	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Weissman
Cusack	Jennings	Rich	Wiles
Fields	Joyner	Richardson	Wilson
Frankel	Justice	Ritter	Wishner
Gannon	Kosmas	Romeo	
Gelber	Lee	Ryan	

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1530, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senator Geller—

CS for SB 1530—A bill to be entitled An act relating to financial settlements; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing an interested party to bring an action for injunctive relief; providing an effective date.

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

Motion

Rep. Brown moved that his remarks relating to **CS for SB 1530** be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Committee on Rules, Ethics & Elections.

On motion by Rep. Brown, the rules were waived and CS for SB 1530 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 431

Yeas—119

The Chair	Argenziano	Ausley	Baxley
Alexander	Arza	Baker	Bean
Allen	Attkisson	Ball	Bendross-Mindingall
Andrews	Atwater	Barreiro	Bennett

Bense	Flanagan	Kendrick	Pickens
Benson	Frankel	Kilmer	Prieguez
Berfield	Gannon	Kosmas	Rich
Betancourt	Garcia	Kottkamp	Richardson
Bilirakis	Gardiner	Kravitz	Ritter
Bowen	Gelber	Kyle	Romeo
Brown	Gibson	Lacasa	Ross
Brummer	Goodlette	Lee	Rubio
Brutus	Gottlieb	Lerner	Russell
Bucher	Green	Littlefield	Ryan
Bullard	Greenstein	Lynn	Seiler
Byrd	Haridopolos	Machek	Simmons
Cantens	Harper	Mack	Siplin
Carassas	Harrell	Mahon	Slosberg
Clarke	Harrington	Mayfield	Sobel
Crow	Hart	Maygarden	Sorensen
Cusack	Henriquez	McGriff	Spratt
Davis	Heyman	Meadows	Stansel
Detert	Hogan	Mealor	Trovillion
Diaz de la Portilla	Holloway	Melvin	Wallace
Diaz-Balart	Jennings	Miller	Waters
Dockery	Johnson	Murman	Weissman
Farkas	Jordan	Needelman	Wiles
Fasano	Joyner	Negron	Wilson
Fields	Justice	Paul	Wishner
Fiorentino	Kallinger	Peterman	

Nays—None

Votes after roll call:

Yeas—Smith

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1642, 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 Latvala—

CS for SB 1642—A bill to be entitled An act relating to exemptions from taxation; amending s. 196.202, F.S.; defining the term “totally and permanently disabled person”; amending s. 196.031, F.S.; providing that a person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit that requires permanent residency in another state for eligibility is not eligible for homestead exemption; providing an exception; providing an effective date.

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

Session Vote Sequence: 432

Yeas—119

The Chair	Bean	Bullard	Fields
Alexander	Bendross-Mindingall	Byrd	Fiorentino
Allen	Bennett	Cantens	Flanagan
Andrews	Bense	Carassas	Frankel
Argenziano	Benson	Clarke	Gannon
Arza	Berfield	Crow	Garcia
Attkisson	Betancourt	Cusack	Gardiner
Atwater	Bilirakis	Davis	Gelber
Ausley	Bowen	Diaz de la Portilla	Gibson
Baker	Brown	Diaz-Balart	Goodlette
Ball	Brummer	Dockery	Gottlieb
Barreiro	Brutus	Farkas	Green
Baxley	Bucher	Fasano	Greenstein

Haridopolos	Kosmas	Melvin	Seiler
Harper	Kottkamp	Miller	Simmons
Harrell	Kravitz	Murman	Siplin
Harrington	Kyle	Needelman	Slosberg
Hart	Lacasa	Negron	Smith
Henriquez	Lee	Paul	Sobel
Heyman	Lerner	Peterman	Sorensen
Hogan	Littlefield	Pickens	Spratt
Holloway	Lynn	Prieguez	Stansel
Jennings	Machek	Rich	Trovillion
Johnson	Mack	Richardson	Wallace
Jordan	Mahon	Ritter	Waters
Joyner	Mayfield	Romeo	Weissman
Justice	Maygarden	Ross	Wiles
Kallinger	McGriff	Rubio	Wilson
Kendrick	Meadows	Russell	Wishner
Kilmer	Mealor	Ryan	

Nays—None

Votes after roll call:

Yeas—Detert

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1722 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senator Horne—

CS for SB 1722—A bill to be entitled An act relating to surety bonds; amending s. 625.071, F.S.; modifying the amount of reserve which surety insurers may maintain on bail bonds and judicial bonds in lieu of the unearned premium reserve required under s. 625.051, F.S.; providing financial reporting requirements; providing an effective date.

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

Session Vote Sequence: 433

Yeas—118

The Chair	Bullard	Greenstein	Machek
Alexander	Byrd	Haridopolos	Mahon
Allen	Cantens	Harper	Mayfield
Andrews	Carassas	Harrington	Maygarden
Argenziano	Clarke	Hart	McGriff
Arza	Crow	Henriquez	Meadows
Attkisson	Cusack	Heyman	Mealor
Atwater	Davis	Hogan	Melvin
Ausley	Detert	Holloway	Miller
Baker	Diaz de la Portilla	Jennings	Murman
Ball	Diaz-Balart	Johnson	Needelman
Barreiro	Dockery	Jordan	Negron
Baxley	Farkas	Joyner	Paul
Bean	Fasano	Justice	Peterman
Bendross-Mindingall	Fields	Kallinger	Pickens
Bennett	Fiorentino	Kendrick	Prieguez
Bense	Flanagan	Kilmer	Rich
Benson	Frankel	Kosmas	Richardson
Berfield	Gannon	Kottkamp	Ritter
Betancourt	Garcia	Kravitz	Romeo
Bilirakis	Gardiner	Kyle	Ross
Bowen	Gelber	Lacasa	Rubio
Brown	Gibson	Lee	Russell
Brummer	Goodlette	Lerner	Ryan
Brutus	Gottlieb	Littlefield	Seiler
Bucher	Green	Lynn	Simmons

Siplin	Sorensen	Wallace	Wilson
Slosberg	Spratt	Waters	Wishner
Smith	Stansel	Weissman	
Sobel	Trovillion	Wiles	

Nays—None

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 405, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 405—A bill to be entitled An act relating to public records exemptions for certain surplus lines insurance records; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the exemption to apply to information specific to a particular policy or policyholder; providing an exemption from public records requirements for certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

Senate Amendment 1—On page 2, line 11, through page 3, line 2, delete those lines

and insert:

(b) Information furnished to the Florida Surplus Lines Service Office under the Surplus Lines Law is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the disclosure of the information would reveal information specific to a particular policy or policyholder. This exemption does not prevent the disclosure of any information by the Florida Surplus Lines Service Office to the department, but the exemption applies to records obtained by the department from the Florida Surplus Lines Service Office. The exemption does not apply to any proceeding instituted by the department against an agent or insurer. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that it is a public necessity that certain records of the Department of Insurance and the Florida Surplus Lines Service Office be held confidential and exempt. The disclosure of surplus lines policy information submitted to the Department of Insurance or to the Florida Surplus Lines Service Office, to the extent that such information reveals information specific to a particular policy or policyholder, would be harmful to insurers or agents due to the economic value of such information if revealed to competitors. Such information may also reveal economic information about the policyholder that would be harmful as an invasion of privacy of the policyholder. Accordingly, it is a public necessity that such information be held confidential and exempt.*

On motion by Rep. Brummer, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 405. The vote was:

Session Vote Sequence: 434

Yeas—117

The Chair	Arza	Ball	Bennett
Alexander	Attkisson	Barreiro	Bense
Allen	Atwater	Baxley	Benson
Andrews	Ausley	Bean	Berfield
Argenziano	Baker	Bendross-Mindingall	Betancourt

Bilirakis	Gelber	Kyle	Ritter
Bowen	Gibson	Lacasa	Romeo
Brown	Goodlette	Lee	Ross
Brummer	Gottlieb	Lerner	Rubio
Brutus	Green	Littlefield	Russell
Bucher	Greenstein	Lynn	Ryan
Bullard	Haridopolos	Machek	Seiler
Byrd	Harper	Mack	Simmons
Cantens	Harrell	Mahon	Siplin
Clarke	Harrington	Mayfield	Slosberg
Crow	Hart	Maygarden	Smith
Cusack	Henriquez	McGriff	Sobel
Davis	Heyman	Meadows	Sorensen
Detert	Hogan	Mealor	Spratt
Diaz de la Portilla	Holloway	Melvin	Stansel
Diaz-Balart	Jennings	Miller	Trovillion
Dockery	Johnson	Murman	Wallace
Farkas	Jordan	Needelman	Waters
Fasano	Joyner	Negron	Weissman
Fields	Kallinger	Paul	Wiles
Fiorentino	Kendrick	Peterman	Wilson
Flanagan	Kilmer	Pickens	Wishner
Frankel	Kosmas	Prieguez	
Garcia	Kottkamp	Rich	
Gardiner	Kravitz	Richardson	

Nays—None

Votes after roll call:

Yeas—Carassas, Gannon, Justice

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 601, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 601—A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without notice as defined in s. 678.1051, F.S.; providing an exemption for fraudulent conveyances; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.; conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a “Notice to Defendant”; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset; amending s. 713.901, F.S., the Florida Uniform Federal Lien Registration Act; providing procedures for filing documentation relating to federal liens; providing an effective date.

Senate Amendment 2—On page 10, lines 19-28, delete those lines

and insert: *lien as the equities may require. This subsection shall not apply to:*

(a) *A transfer to a relative or an insider of the judgment debtor, as such are defined at s. 726.102;*

(b) *A fraudulent transfer, as defined by s. 726.105, s. 726.106, or 11 U.S.C. 548;*

(c) *A fraudulent asset conversion as defined by s. 222.30;*

(d) *Twenty-five percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$10,000;*

(e) *Fifty percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$20,000;*

(f) *Seventy-five percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$25,000; or*

(g) *Any transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$30,000.*

Senate Amendment 3—On page 14, line 10, delete “55.202(2)”

and insert: *55.202(2)(b)*

Senate Amendment 4—On page 4, line 7, delete “s. 55.205(5)”

and insert: *s. 55.202(5)*

On motion by Rep. Pickens, the House concurred in Senate Amendments 2, 3, and 4. The question recurred on the passage of HB 601. The vote was:

Session Vote Sequence: 435

Yeas—118

The Chair	Crow	Holloway	Negron
Alexander	Cusack	Jennings	Paul
Allen	Davis	Johnson	Peterman
Andrews	Detert	Jordan	Pickens
Argenziano	Diaz de la Portilla	Joyner	Rich
Arza	Diaz-Balart	Justice	Richardson
Attkisson	Dockery	Kallinger	Ritter
Atwater	Farkas	Kendrick	Romeo
Ausley	Fasano	Kilmer	Ross
Baker	Fields	Kosmas	Rubio
Ball	Fiorentino	Kottkamp	Russell
Barreiro	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lacasa	Simmons
Bennett	Garcia	Lee	Siplin
Bense	Gardiner	Lerner	Slosberg
Benson	Gelber	Littlefield	Smith
Berfield	Gibson	Lynn	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Spratt
Bowen	Green	Mahon	Stansel
Brown	Greenstein	Mayfield	Trovillion
Brummer	Haridopolos	Maygarden	Wallace
Brutus	Harper	McGriff	Waters
Bucher	Harrell	Meadows	Weissman
Bullard	Harrington	Mealor	Wiles
Byrd	Hart	Melvin	Wilson
Cantens	Henriquez	Miller	Wishner
Carassas	Heyman	Murman	
Clarke	Hogan	Needelman	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

On motion by Rep. Goodlette—

SB 638—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees’ sick leave by their family members who also are district employees; providing for use of donated sick leave and restrictions; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Diaz-Balart to adopt Amendment 1.

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

Representative(s) Attkisson, Needelman, Diaz-Balart, and Negron offered the following:

(Amendment Bar Code: 702977)

Amendment 2 (with directory language and title amendments)—On page 1, between lines 15 and 16, of the bill

insert:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis ~~is shall be~~ entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which ~~may shall~~ not be used ~~before prior to the time~~ it is earned and credited to the member. Each other employee shall be credited with 4 days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for 1 day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which ~~may shall~~ not be used ~~before prior to the time~~ it is earned and credited to the employee. However, each member of the instructional staff and each other employee ~~is shall be~~ entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. If the employee terminates his or her employment and has not accrued the 4 ~~sick~~ days of sick leave available to him or her, the district school board may withhold the average daily amount for the ~~days of sick leave used~~ ~~days utilized~~ but unearned by the employee. Such leave ~~may shall~~ be taken only when necessary because of sickness as ~~herein~~ prescribed in this section. The sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A district school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons ~~shall~~ be charged only to accrued sick leave, and leave for personal reasons ~~is shall be~~ noncumulative.

3. District school boards may adopt rules permitting the annual payment for accumulated sick leave that is earned for that year and that is unused at the end of the school year, based on the daily rate of pay of the employee multiplied by up to 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance. Such annual payment may apply only to instructional staff and educational support employees.

4. A district school board may establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his or her beneficiary. However, such terminal pay ~~may shall~~ not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During the next 3 years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent times the number of days of accumulated sick leave.

5. A district school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary. ~~However, for such employees hired on or after July 1, 1995,~~

a. Terminal pay ~~may shall~~ not exceed ~~an amount determined as follows:~~

~~a-~~ one-fourth of all unused sick leave accumulated on or after July 1, 2001, ~~and may 1995; however, terminal pay allowable for such accumulated sick leave shall~~ not exceed a maximum of 60 days of actual payment. *This limit does not impair any contractual agreement established before July 1, 2001; however, a previously established contract renewed on or after July 1, 2001, constitutes a new contract.*

b. For unused sick leave accumulated ~~before~~ ~~prior to~~ July 1, 2001 ~~1995~~, terminal payment shall be made pursuant to a district school board's policies, contracts, or rules that ~~which~~ are in effect on June 30, 2001 ~~July 1, 1995~~.

c. *If an employee has an accumulated sick leave balance of 60 days of actual payment or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001, is less than 60 days.*

And the directory language is amended as follows:

On page 1, lines 11-12,
remove: all of said lines

and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (3) of section 231.40, Florida Statutes, is amended, and paragraph (e) is added to said subsection to read:

And the title is amended as follows:

On page 1, line 3 ,

insert after the semicolon: 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;

Rep. Attkisson moved the adoption of the amendment, which was adopted.

Representative(s) Negrón, Attkisson, and Harrell offered the following:

(Amendment Bar Code: 962827)

Amendment 3 (with directory language and title amendments)—On page 1, between lines 26 and 27, of the bill

insert:

(f) Use of savings.—District school boards are authorized and encouraged to use any savings realized by limiting terminal pay for sick leave accrued by school administrators to annually fund existing supplemental retirement programs or to establish a supplemental retirement program for school administrators.

And the directory language is amended as follows:

On page 1, lines 11 and 12,
remove: all of said lines

and insert in lieu thereof:

Section 1. Paragraphs (e) and (f) are added to subsection (3) of section 231.40, Florida Statutes, to read:

And the title is amended as follows:

On page 1, line 6,

insert after the semicolon: authorizing and encouraging district school boards to use savings to fund existing supplemental retirement programs or to establish such programs;

Rep. Negrón moved the adoption of the amendment, which was adopted.

Reconsideration

On motion by Rep. Needelman, the House reconsidered the vote by which **Amendment 3** was adopted. The question recurred on the adoption of the amendment, which failed of adoption.

On motion by Rep. Henriquez, the rules were waived and SB 638, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 436

Yeas—118

The Chair	Crow	Holloway	Paul
Alexander	Cusack	Jennings	Peterman
Allen	Davis	Johnson	Pickens
Andrews	Detert	Jordan	Prieguez
Argenziano	Diaz de la Portilla	Joyner	Rich
Arza	Diaz-Balart	Justice	Richardson
Attkisson	Dockery	Kallinger	Ritter
Atwater	Farkas	Kendrick	Romeo
Ausley	Fasano	Kilmer	Ross
Baker	Fields	Kosmas	Rubio
Ball	Fiorentino	Kottkamp	Russell
Barreiro	Flanagan	Kravitz	Ryan
Baxley	Frankel	Kyle	Seiler
Bean	Gannon	Lacasa	Simmons
Bendross-Mindingall	Garcia	Lerner	Siplin
Bennett	Gardiner	Littlefield	Slosberg
Bense	Gelber	Lynn	Smith
Benson	Gibson	Machek	Sobel
Berfield	Goodlette	Mack	Sorensen
Betancourt	Gottlieb	Mahon	Spratt
Bilirakis	Green	Mayfield	Stansel
Bowen	Greenstein	Maygarden	Trovillion
Brown	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	
Clarke	Hogan	Negron	

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 638.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 688 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Health, Aging and Long-Term Care and Health, Aging and Long-Term Care—

CS for SB 688—A bill to be entitled An act relating to health care; requiring the Agency for Health Care Administration to convene an interagency workgroup to study issues pertaining to certain background screening requirements for health care professionals and owners, operators, and employees of certain health care providers, services, and programs; providing for composition of the workgroup; requiring a report; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; providing an effective date.

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

Session Vote Sequence: 437

Yeas—120

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Pickens
Arza	Diaz de la Portilla	Joyner	Prieguez
Attkisson	Diaz-Balart	Justice	Rich
Atwater	Dockery	Kallinger	Richardson
Ausley	Farkas	Kendrick	Ritter
Baker	Fasano	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner

Nays—None

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

On motion by Rep. Goodlette, the House moved to the list of bills on the order of—

Bills and Joint Resolutions on Third Reading

SB 130—A bill to be entitled An act relating to eminent domain; amending s. 166.411, F.S.; authorizing municipalities to exercise the power of eminent domain for public school purposes; providing for future repeal; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 438

Yeas—120

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Pickens
Arza	Diaz de la Portilla	Joyner	Prieguez
Attkisson	Diaz-Balart	Justice	Rich
Atwater	Dockery	Kallinger	Richardson
Ausley	Farkas	Kendrick	Ritter
Baker	Fasano	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner

Nays—None

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

SB 766—A bill to be entitled An act relating to driver's licenses; amending s. 322.28, F.S.; revising provisions relating to the penalty for a second or subsequent conviction for operating a vehicle under the influence; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 439

Yeas—119

The Chair	Brummer	Gardiner	Kilmer
Alexander	Brutus	Gelber	Kosmas
Allen	Bucher	Gibson	Kottkamp
Andrews	Bullard	Goodlette	Kravitz
Argenziano	Byrd	Gottlieb	Kyle
Arza	Cantens	Green	Lacasa
Attkisson	Carassas	Greenstein	Lee
Atwater	Clarke	Haridopolos	Lerner
Ausley	Crow	Harper	Littlefield
Baker	Cusack	Harrell	Machek
Ball	Davis	Harrington	Mack
Barreiro	Detert	Hart	Mahon
Baxley	Diaz de la Portilla	Henriquez	Mayfield
Bean	Diaz-Balart	Heyman	Maygarden
Bendross-Mindingall	Dockery	Hogan	McGriff
Bennett	Farkas	Holloway	Meadows
Bense	Fasano	Jennings	Mealor
Benson	Fields	Johnson	Melvin
Berfield	Fiorentino	Jordan	Miller
Betancourt	Flanagan	Joyner	Murman
Bilirakis	Frankel	Justice	Needelman
Bowen	Gannon	Kallinger	Negron
Brown	Garcia	Kendrick	Paul

Peterman	Ross	Slosberg	Wallace
Pickens	Rubio	Smith	Waters
Prieguez	Russell	Sobel	Weissman
Rich	Ryan	Sorensen	Wiles
Richardson	Seiler	Spratt	Wilson
Ritter	Simmons	Stansel	Wishner
Romeo	Siplin	Trovillion	

Nays—None

Votes after roll call:

Yeas—Lynn

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

On motion by Rep. Goodlette, the House moved to the consideration of SB 1162.

Special Orders

Continuation of Special Order Calendar

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Baxley to adopt Amendment 1.

The question recurred on the adoption of **Amendment 1**.

Reconsideration

Without objection the House reconsidered the vote by which **Amendment 1 to Amendment 1** was adopted (shown in the *Journal* earlier today). The question recurred on the adoption of the amendment to the amendment, which failed of adoption.

Representative(s) Baxley and Diaz-Balart offered the following:

(Amendment Bar Code: 742845)

Amendment 3 to Amendment 1 (with title amendment)—On page 7, lines 16-31, and on page 8 lines 1-12, remove from the amendment: all of said lines

And the title is amended as follows:

On page 80, lines 22-28, of the amendment remove: all of said lines

and insert in lieu thereof: providing for an annual report; amending s. 240.35, F.S.; revising

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

Representative(s) Baxley and Diaz-Balart offered the following:

(Amendment Bar Code: 512709)

Amendment 4 to Amendment 1 (with title amendment)—On page 26, line 10 through page 28 line 5, remove from the amendment: all of said lines

And the title is amended as follows:

On page 82, lines 3-6, of the amendment remove: all of said lines

and insert in lieu thereof: providing for transfer of awards;

Rep. Baxley 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. Baxley, the rules were waived and SB 1162, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 440

Yeas—119

The Chair	Clarke	Holloway	Negron
Alexander	Crow	Jennings	Paul
Allen	Cusack	Johnson	Peterman
Andrews	Davis	Jordan	Pickens
Argenziano	Detert	Joyner	Prieguez
Arza	Diaz de la Portilla	Justice	Rich
Attkisson	Diaz-Balart	Kallinger	Richardson
Atwater	Dockery	Kendrick	Ritter
Ausley	Farkas	Kilmer	Romeo
Baker	Fasano	Kosmas	Ross
Ball	Fields	Kottkamp	Rubio
Barreiro	Flanagan	Kravitz	Russell
Baxley	Frankel	Kyle	Ryan
Bean	Gannon	Lacasa	Seiler
Bendross-Mindingall	Garcia	Lee	Simmons
Bennett	Gardiner	Lerner	Siplin
Bense	Gelber	Littlefield	Slosberg
Benson	Gibson	Lynn	Smith
Berfield	Goodlette	Machek	Sobel
Betancourt	Gottlieb	Mack	Sorensen
Bilirakis	Green	Mahon	Spratt
Bowen	Greenstein	Mayfield	Stansel
Brown	Haridopolos	Maygarden	Trovillion
Brummer	Harper	McGriff	Wallace
Brutus	Harrell	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	

Nays—None

Votes after roll call:

Yeas—Fiorentino

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

Recessed

On motion by Rep. Goodlette, the House recessed at 1:34 p.m., to reconvene at 2:30 p.m. today or upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 2:36 p.m. A quorum was present [Session Vote Sequence: 441].

On motion by Rep. Byrd, the House moved to the consideration of CS for CS for SB 784.

Consideration of CS for CS for SB 784

On motion by Rep. Spratt, the rules were waived by the required two-thirds vote and—

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 400.93, F.S.; exempting providers of home medical equipment operated by the Department of Health from certain licensure

requirements; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term "agency"; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing for severability; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; 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 ch. 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 an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing effective dates.

—was read the second time by title.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 375733)

Amendment 1 (with title amendment)—On page 29, line 23, through page 41, line 2
remove from the bill: all of said lines

And the title is amended as follows:

On page 2, line 23, through page 3, line 26
remove from the title of the bill: all of said lines

and insert in lieu thereof: severability; amending s.

Rep. Spratt moved the adoption of the amendment, which was adopted.

On motion by Rep. Spratt, the rules were waived and CS for CS for SB 784, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 442

Yeas—112

The Chair	Cantens	Hart	Melvin
Alexander	Carassas	Henriquez	Miller
Allen	Clarke	Heyman	Murman
Andrews	Crow	Hogan	Needelman
Argenziano	Cusack	Holloway	Negron
Arza	Davis	Jennings	Paul
Attkisson	Detert	Johnson	Peterman
Atwater	Diaz de la Portilla	Jordan	Pickens
Ausley	Diaz-Balart	Justice	Prieguez
Baker	Dockery	Kallinger	Rich
Ball	Farkas	Kendrick	Richardson
Barreiro	Fasano	Kilmer	Romeo
Baxley	Fields	Kosmas	Ross
Bean	Fiorentino	Kottkamp	Rubio
Bendross-Mindingall	Flanagan	Kravitz	Russell
Bennett	Frankel	Kyle	Seiler
Bense	Garcia	Lacasa	Simmons
Benson	Gardiner	Lerner	Slosberg
Berfield	Gelber	Littlefield	Sorensen
Betancourt	Gibson	Lynn	Spratt
Bilirakis	Goodlette	Machek	Stansel
Bowen	Gottlieb	Mack	Trovillion
Brown	Green	Mahon	Wallace
Brummer	Greenstein	Mayfield	Waters
Brutus	Haridopolos	Maygarden	Weissman
Bucher	Harper	McGriff	Wiles
Bullard	Harrell	Meadows	Wilson
Byrd	Harrington	Mealor	Wishner

Nays—None

Votes after roll call:

Yeas—Gannon, Joyner, Ryan, Smith, Sobel

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

Consideration of CS for CS for SB 306

On motion by Rep. Melvin, the rules were waived by the required two-thirds vote and—

CS for CS for SB 306—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim's parent, guardian, next of kin, or lawful representative be notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim's parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a victim's parent, guardian, or representative be allowed to be informed, present, and heard in a criminal or juvenile proceeding; requiring that

a crime victim or witness be informed of the address confidentiality program; requiring notice when an inmate is approved for community work release; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; prescribing standing of certain persons to assert a victim's rights; amending s. 921.143, F.S.; prescribing the right of the parent or guardian of a minor victim, or the lawful representative of any of them, to appear and make a statement at a sentencing hearing; amending s. 944.606, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, the lawful representative of any of them, or the next of kin of a homicide victim when a sexual offender is being released; amending s. 948.10, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, or the next of kin of a homicide victim when an offender is placed on community control; amending s. 960.28, F.S.; prohibiting a medical provider who performs an initial forensic examination from billing the parent or guardian of a minor victim for that examination; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission; providing for governance of the commission; providing for a State Council for Interstate Adult Offender Supervision; providing for membership of the state council; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term "state" for purposes of the compact; creating s. 949.072, F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the "Interstate Compact for Adult Offender Supervision"; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 132287)

Amendment 1 (with title amendment)—On page 40, between lines 25 and 26, of the bill

insert:

Section 13. Paragraph (a) of subsection (1) of section 402.3055, Florida Statutes, is amended to read:

402.3055 Child care personnel requirements.—

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant, owner, or operator shall *sign an affidavit attesting* ~~attest~~ to the accuracy of the information requested under penalty of perjury.

1. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or local licensing agency shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a child care facility.

2. If the applicant, owner, or operator denies that he or she has been a party in such action in Florida, the department or local licensing

agency shall validate the information provided by reviewing statewide child care licensing records to determine if the applicant has had a license denied, revoked, or suspended or has been the subject of a disciplinary action or been fined while employed in a child care facility prior to issuing a license.

3. If the department or local licensing agency determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.

Section 14. Section 402.3105, Florida Statutes, is created to read:

402.3105 Central database on violations, citations, and penalties imposed against child care facilities.—*The Department of Children and Family Services shall establish and maintain a central database to record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department. The database shall be designed by the State Technology Office, in consultation with the department pursuant to chapter 282, and the department shall implement, operate, and maintain the system in accordance with the policies and procedures established by the office. The database shall be operated in a manner that enables the department to identify and locate such information for purposes of monitoring and evaluating the uniformity and effectiveness of district investigations and enforcement, in order to ensure compliance of child care facilities with state regulatory requirements. The database shall further maintain and produce aggregate statistical reports monitoring patterns of violations, citations, and penalties, including the classes and types of violations, and any actions taken to suspend or revoke the license of a child care facility. The information in the database shall serve as a resource for the evaluation of child care facilities for license renewal but may not be used for employment screening. The information in the database shall be made available to the public upon request.*

Section 15. *The Department of Children and Family Services shall establish and impose uniform penalties for violations of ss. 402.301-402.319, Florida Statutes, and rules adopted thereunder.*

Section 16. *Upon the effective date of this act, the Department of Children and Family Services shall implement the provisions of this act relating to compilation, maintenance, and availability of data, public access thereto, and uniform penalties, and such implementation shall not be subject to an appropriation.*

Section 17. Subsection (9) of section 409.146, Florida Statutes, is amended to read:

409.146 Children and families client and management information system.—

(9) ~~The Department of Children and Family Services shall provide an annual report to the Joint Information Technology Resources Committee. The committee shall review the report and shall 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 and policy formulation. In developing the system, the Department of Children and Family Services shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with an integrated management information system. The report shall be submitted no later than December 1 of each year.~~

Section 18. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—*It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:*

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

(2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

(3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.

(4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.

(5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

(6) It is further the intent that membership organizations *that do not provide child care for school-age children for more than four hours per day, and are affiliated with national organizations which do not provide child care*, whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures, shall not be considered child care facilities and therefore, their personnel shall not be required to be screened. *Care for children under the age of Kindergarten is considered child care and is subject to the provisions of s. 402.301 through 402.19.*

And the title is amended as follows:

On page 3, line 16,

after the semicolon insert: amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing that implementation is not subject to an appropriation; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities;

Rep. Melvin moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Melvin, the rules were waived and CS for CS for SB 306 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 443

Yeas—114

The Chair	Ball	Betancourt	Cantens
Alexander	Barreiro	Bilirakis	Carassas
Allen	Baxley	Bowen	Clarke
Andrews	Bean	Brown	Crow
Argenziano	Bendross-Mindingall	Brummer	Cusack
Arza	Bennett	Brutus	Davis
Atwater	Bense	Bucher	Detert
Ausley	Benson	Bullard	Diaz de la Portilla
Baker	Berfield	Byrd	Diaz-Balart

Dockery	Heyman	Machek	Rubio
Farkas	Hogan	Mack	Russell
Fasano	Holloway	Mayfield	Ryan
Fields	Jennings	Maygarden	Seiler
Fiorentino	Johnson	McGriff	Simmons
Frankel	Jordan	Meadows	Siplin
Gannon	Joyner	Mealor	Slosberg
Garcia	Justice	Melvin	Smith
Gardiner	Kallinger	Miller	Sobel
Gibson	Kendrick	Murman	Sorensen
Goodlette	Kilmer	Needelman	Spratt
Gottlieb	Kosmas	Negron	Stansel
Green	Kottkamp	Paul	Trovillion
Greenstein	Kravitz	Peterman	Wallace
Haridopolos	Kyle	Pickens	Waters
Harper	Lacasa	Prieguez	Weissman
Harrell	Lee	Rich	Wilson
Harrington	Lerner	Ritter	Wishner
Hart	Littlefield	Romeo	
Henriquez	Lynn	Ross	

Nays—None

Votes after roll call:

Yeas—Flanagan, Gelber, Richardson, Wiles

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

Consideration of CS for SB 1128

On motion by Rep. Bilirakis, the rules were waived by the required two-thirds vote and—

CS for SB 1128—A bill to be entitled An act relating to medical treatment; creating the “Access to Medical Treatment Act”; authorizing a licensed physician to treat an individual for a life-threatening illness or condition by means of an investigational medical treatment authorized by the individual or the individual's legal representative; specifying acts and disclosures that are required before a physician may provide such treatment; providing that investigational medical treatment provided in compliance with the act does not constitute unprofessional conduct; providing that the act does not modify the scope of practice or the provisions of the practice act of licensees; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 544985)

Amendment 1 (with title amendment)—On page 2, between lines 26 and 27, of the bill

insert:

Section 2. Paragraph (a) of subsection (1) of section 402.3055, Florida Statutes, is amended to read:

402.3055 Child care personnel requirements.—

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant, owner, or operator shall *sign an affidavit attesting* ~~attest~~ to the accuracy of the information requested under penalty of perjury.

1. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or local licensing agency shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a child care facility.

2. If the applicant, owner, or operator denies that he or she has been a party in such action in Florida, the department or local licensing agency shall validate the information provided by reviewing statewide child care licensing records to determine if the applicant has had a license denied, revoked, or suspended or has been the subject of a disciplinary action or been fined while employed in a child care facility prior to issuing a license.

3. If the department or local licensing agency determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.

Section 3. Section 402.3105, Florida Statutes, is created to read:

402.3105 Central database on violations, citations, and penalties imposed against child care facilities.—The Department of Children and Family Services shall establish and maintain a central database to record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department. The database shall be designed by the State Technology Office, in consultation with the department pursuant to chapter 282, and the department shall implement, operate, and maintain the system in accordance with the policies and procedures established by the office. The database shall be operated in a manner that enables the department to identify and locate such information for purposes of monitoring and evaluating the uniformity and effectiveness of district investigations and enforcement, in order to ensure compliance of child care facilities with state regulatory requirements. The database shall further maintain and produce aggregate statistical reports monitoring patterns of violations, citations, and penalties, including the classes and types of violations, and any actions taken to suspend or revoke the license of a child care facility. The information in the database shall serve as a resource for the evaluation of child care facilities for license renewal but may not be used for employment screening. The information in the database shall be made available to the public upon request.

Section 4. The Department of Children and Family Services shall establish and impose uniform penalties for violations of ss. 402.301-402.319, Florida Statutes, and rules adopted thereunder.

Section 5. Upon the effective date of this act, the Department of Children and Family Services shall implement the provisions of this act relating to compilation, maintenance, and availability of data, public access thereto, and uniform penalties, and such implementation shall not be subject to an appropriation.

Section 6. Subsection (9) of section 409.146, Florida Statutes, is amended to read:

409.146 Children and families client and management information system.—

(9) The Department of Children and Family Services shall provide an annual report to the ~~Joint Information Technology Resources Committee. The committee shall review the report and shall 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 and policy formulation. In developing the system, the Department of Children and Family Services shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with an integrated management information system. The report shall be submitted no later than December 1 of each year.

Section 7. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

(2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

(3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.

(4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.

(5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

(6) It is further the intent that membership organizations *that do not provide child care for school-age children for more than four hours per day, and are affiliated with national organizations which do not provide child care*, whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures, shall not be considered child care facilities and therefore, their personnel shall not be required to be screened. *Care for children under the age of Kindergarten is considered child care and is subject to the provisions of s. 402.301 through 402.19.*

And the title is amended as follows:

On page 1, line 16,

after the semicolon insert: amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing that implementation is not subject to an appropriation; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities;

Rep. Lynn moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Bilirakis, the rules were waived and CS for SB 1128 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 444

Yeas—118

The Chair	Ball	Betancourt	Cantens
Alexander	Barreiro	Bilirakis	Carassas
Allen	Baxley	Bowen	Clarke
Andrews	Bean	Brown	Crow
Argenziano	Bendross-Mindingall	Brummer	Cusack
Arza	Bennett	Brutus	Davis
Attkisson	Bense	Bucher	Detert
Atwater	Benson	Bullard	Diaz de la Portilla
Baker	Berfield	Byrd	Diaz-Balart

Dockery	Henriquez	Machek	Rubio
Farkas	Heyman	Mack	Russell
Fasano	Hogan	Mahon	Ryan
Fields	Holloway	Mayfield	Seiler
Fiorentino	Jennings	Maygarden	Simmons
Flanagan	Johnson	McGriff	Siplin
Frankel	Jordan	Meadows	Slosberg
Gannon	Joyner	Mealor	Smith
Garcia	Justice	Melvin	Sobel
Gardiner	Kallinger	Miller	Sorensen
Gelber	Kendrick	Murman	Spratt
Gibson	Kilmer	Needelman	Stansel
Goodlette	Kosmas	Negron	Trovillion
Gottlieb	Kottkamp	Peterman	Wallace
Green	Kravitz	Pickens	Waters
Greenstein	Kyle	Prieguez	Weissman
Haridopolos	Lacasa	Rich	Wiles
Harper	Lee	Richardson	Wilson
Harrell	Lerner	Ritter	Wishner
Harrington	Littlefield	Romeo	
Hart	Lynn	Ross	

Nays—None

Votes after roll call:

Yeas—Ausley

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

Consideration of CS for SB 2054

On motion by Rep. Byrd, the rules were waived by the required two-thirds vote and—

CS for SB 2054—A bill to be entitled An act relating to the designation of university buildings and facilities; designating the new instruction and research building at Florida Atlantic University's College of Nursing the "Louis and Anne Green Alzheimer's Research Center"; designating the Florida Atlantic University Dania Beach Campus facility the "Kenneth C. Jenne Building"; designating the observatory at Florida Gulf Coast University the "Evelyn L. Egan Astronomical Observatory"; designating the student and educational center at Florida Gulf Coast University the "Sugden Welcome Center"; designating the building at the Women's Soccer and Softball Complex at Florida State University the "Mary Ann Stiles and Barry Smith Team Building"; designating Building 146 at Florida State University, known as the Molecular Biophysics Building, the "Kasha Laboratory"; designating the University of Central Florida's School of Hospitality Management the "Harris Rosen School of Hospitality Management" and the facility that houses said school "Rosen Hall"; designating the new educational program facility at the Florida Museum of Natural History at the University of Florida the "William W. and Nadine M. McGuire Hall"; designating the new alumni center at the University of Florida the "Emerson Alumni Hall"; designating the new accounting building at the University of Florida's Warrington School of Business the "Gary R. Gerson Hall"; designating the women's gymnasium at the University of Florida the "Kathryn Chicone Ustler Hall"; designating the marine science complex at the University of South Florida's St. Petersburg Campus as the "C.W. 'Bill' Young Marine Science Complex"; designating the science research building at Florida Agricultural and Mechanical University as the "Frederick S. Humphries Science and Research Center"; designating the new honors college building at the University of Central Florida as the "Burnett Honors College"; naming the law school at Florida International University the "Rafael Diaz-Balart Building"; authorizing the erection of suitable markers; providing an effective date.

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

Session Vote Sequence: 445

Yeas—118

The Chair	Crow	Holloway	Paul
Alexander	Cusack	Jennings	Peterman
Allen	Davis	Johnson	Pickens
Andrews	Detert	Jordan	Prieguez
Argenziano	Diaz de la Portilla	Joyner	Rich
Arza	Diaz-Balart	Justice	Richardson
Attkisson	Dockery	Kallinger	Ritter
Atwater	Farkas	Kendrick	Romeo
Ausley	Fasano	Kilmer	Ross
Baker	Fields	Kosmas	Rubio
Ball	Fiorentino	Kottkamp	Russell
Barreiro	Flanagan	Kravitz	Ryan
Baxley	Frankel	Kyle	Seiler
Bean	Gannon	Lacasa	Simmons
Bendross-Mindingall	Garcia	Lerner	Siplin
Bennett	Gardiner	Littlefield	Slosberg
Bense	Gelber	Lynn	Smith
Benson	Gibson	Machek	Sobel
Berfield	Goodlette	Mack	Sorensen
Betancourt	Gottlieb	Mahon	Spratt
Bilirakis	Green	Mayfield	Stansel
Bowen	Greenstein	Maygarden	Trovillion
Brown	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	
Clarke	Hogan	Negron	

Nays—None

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

Special Orders

Continuation of Special Order Calendar

CS for CS for SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term "position of trust and confidence"; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; authorizing certain financial institutions to register; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term "direct-support organization"; providing for the purposes of a direct-support organization; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 254861)

Amendment 1 (with title amendment)—On page 11, between lines 13 and 14, of the bill

insert:

Section 9. Paragraph (a) of subsection (1) of section 402.3055, Florida Statutes, is amended to read:

402.3055 Child care personnel requirements.—

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant, owner, or operator shall *sign an affidavit attesting* ~~attest~~ to the accuracy of the information requested under penalty of perjury.

1. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or local licensing agency shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a child care facility.

2. *If the applicant, owner, or operator denies that he or she has been a party in such action in Florida, the department or local licensing agency shall validate the information provided by reviewing statewide child care licensing records to determine if the applicant has had a license denied, revoked, or suspended or has been the subject of a disciplinary action or been fined while employed in a child care facility prior to issuing a license.*

3. If the department or local licensing agency determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.

Section 10. Section 402.3105, Florida Statutes, is created to read:

402.3105 Central database on violations, citations, and penalties imposed against child care facilities.—The Department of Children and Family Services shall establish and maintain a central database to record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department. The database shall be designed by the State Technology Office, in consultation with the department pursuant to chapter 282, and the department shall implement, operate, and maintain the system in accordance with the policies and procedures established by the office. The database shall be operated in a manner that enables the department to identify and locate such information for purposes of monitoring and evaluating the uniformity and effectiveness of district investigations and enforcement, in order to ensure compliance of child care facilities with state regulatory requirements. The database shall further maintain and produce aggregate statistical reports monitoring patterns of violations, citations, and penalties, including the classes and types of violations, and any actions taken to suspend or revoke the license of a child care facility. The information in the database shall serve as a resource for the evaluation of child care facilities for license renewal but may not be used for employment screening. The information in the database shall be made available to the public upon request.

Section 11. *The Department of Children and Family Services shall establish and impose uniform penalties for violations of ss. 402.301-402.319, Florida Statutes, and rules adopted thereunder.*

Section 12. *Upon the effective date of this act, the Department of Children and Family Services shall implement the provisions of this act relating to compilation, maintenance, and availability of data, public access thereto, and uniform penalties, and such implementation shall not be subject to an appropriation.*

Section 13. Subsection (9) of section 409.146, Florida Statutes, is amended to read:

409.146 Children and families client and management information system.—

(9) The Department of Children and Family Services shall provide an annual report to the ~~Joint Information Technology Resources Committee. The committee shall review the report and shall 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 and policy formulation. In developing the system, the Department of Children and Family Services shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with an integrated management information system. The report shall be submitted no later than December 1 of each year.

Section 14. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

(2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

(3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.

(4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.

(5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

(6) It is further the intent that membership organizations *that do not provide child care for school-age children for more than four hours per day, and are* affiliated with national organizations ~~which do not provide child care,~~ whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures, shall not be considered child care facilities and therefore, their personnel shall not be required to be screened. *Care for children under the age of Kindergarten is considered child care and is subject to the provisions of s. 402.301 through 402.19.*

And the title is amended as follows:

On page 2, line 3,

after the semicolon insert: amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing that implementation is not subject to an

appropriation; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities;

Rep. Lynn moved the adoption of the amendment, which failed of adoption.

Representative(s) Crow offered the following:

(Amendment Bar Code: 501593)

Amendment 2 (with title amendment)—On page 11, between lines 13 and 14,

insert:

Section 9. Subsection (3) of section 765.401, Florida Statutes, is amended to read:

765.401 The proxy.—

(3) Before exercising the incapacitated patient's rights to select or decline health care, the proxy must comply with the provisions of ss. 765.205 and 765.305; except that a proxy's decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the patient would have chosen had the patient been competent, *and a guardian ad litem not related to the patient must be appointed to represent the patient's interests.*

Section 10. Paragraph (f) is added to subsection (4) of section 744.3215, Florida Statutes, to read:

(f) *Consent to or otherwise direct on behalf of the ward to withdraw or withhold life-prolonging procedures. Any authority exercised under this paragraph must comply with chapter 765.*

And the title is amended as follows:

On page 2, line 3,

after the semicolon insert: amending s. 765.401, F.S.; requiring appointment of a guardian ad litem when a proxy seeks to withhold or withdraw life-prolonging procedures; amending s. 744.3215, F.S.; providing that a guardian must seek court approval to withdraw or withhold life-prolonging procedures;

Rep. Crow moved the adoption of the amendment, which was adopted.

On motion by Rep. Hogan, the rules were waived and CS for CS for SB 374, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 446

Yeas—120

The Chair	Betancourt	Farkas	Hart
Alexander	Bilirakis	Fasano	Henriquez
Allen	Bowen	Fields	Heyman
Andrews	Brown	Fiorentino	Hogan
Argenziano	Brummer	Flanagan	Holloway
Arza	Brutus	Frankel	Jennings
Attkisson	Bucher	Gannon	Johnson
Atwater	Bullard	Garcia	Jordan
Ausley	Byrd	Gardiner	Joyner
Baker	Cantens	Gelber	Justice
Ball	Carassas	Gibson	Kallinger
Barreiro	Clarke	Goedlette	Kendrick
Baxley	Crow	Gottlieb	Kilmer
Bean	Cusack	Green	Kosmas
Bendross-Mindingall	Davis	Greenstein	Kottkamp
Bennett	Detert	Haridopolos	Kravitz
Bense	Diaz de la Portilla	Harper	Kyle
Benson	Diaz-Balart	Harrell	Lacasa
Berfield	Dockery	Harrington	Lee

Lerner	Melvin	Ritter	Sobel
Littlefield	Miller	Romeo	Sorensen
Lynn	Murman	Ross	Spratt
Machek	Needelman	Rubio	Stansel
Mack	Negron	Russell	Trovillion
Mahon	Paul	Ryan	Wallace
Mayfield	Peterman	Seiler	Waters
Maygarden	Pickens	Simmons	Weissman
McGriff	Prieguez	Siplin	Wiles
Meadows	Rich	Slosberg	Wilson
Mealor	Richardson	Smith	Wishner

Nays—None

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

SB 666—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 870799)

Amendment 1 (with title amendment)—On page 9, between lines 27 and 28, of the bill

insert:

Section 3. Paragraph (a) of subsection (1) of section 402.3055, Florida Statutes, is amended to read:

402.3055 Child care personnel requirements.—

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant, owner, or operator shall *sign an affidavit attesting* ~~attest~~ to the accuracy of the information requested under penalty of perjury.

1. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or local licensing agency shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a child care facility.

2. *If the applicant, owner, or operator denies that he or she has been a party in such action in Florida, the department or local licensing agency shall validate the information provided by reviewing statewide child care licensing records to determine if the applicant has had a license denied, revoked, or suspended or has been the subject of a disciplinary action or been fined while employed in a child care facility prior to issuing a license.*

3. If the department or local licensing agency determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.

Section 4. Section 402.3105, Florida Statutes, is created to read:

402.3105 Central database on violations, citations, and penalties imposed against child care facilities.—The Department of Children and Family Services shall establish and maintain a central database to

record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department. The database shall be designed by the State Technology Office, in consultation with the department pursuant to chapter 282, and the department shall implement, operate, and maintain the system in accordance with the policies and procedures established by the office. The database shall be operated in a manner that enables the department to identify and locate such information for purposes of monitoring and evaluating the uniformity and effectiveness of district investigations and enforcement, in order to ensure compliance of child care facilities with state regulatory requirements. The database shall further maintain and produce aggregate statistical reports monitoring patterns of violations, citations, and penalties, including the classes and types of violations, and any actions taken to suspend or revoke the license of a child care facility. The information in the database shall serve as a resource for the evaluation of child care facilities for license renewal but may not be used for employment screening. The information in the database shall be made available to the public upon request.

Section 5. The Department of Children and Family Services shall establish and impose uniform penalties for violations of ss. 402.301-402.319, Florida Statutes, and rules adopted thereunder.

Section 6. Upon the effective date of this act, the Department of Children and Family Services shall implement the provisions of this act relating to compilation, maintenance, and availability of data, public access thereto, and uniform penalties, and such implementation shall not be subject to an appropriation.

Section 7. Subsection (9) of section 409.146, Florida Statutes, is amended to read:

409.146 Children and families client and management information system.—

(9) The Department of Children and Family Services shall provide an annual report to the ~~Joint Information Technology Resources Committee. The committee shall review the report and shall 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 and policy formulation. In developing the system, the Department of Children and Family Services shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with an integrated management information system. The report shall be submitted no later than December 1 of each year.

Section 8. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

(2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

(3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.

(4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.

(5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

(6) It is further the intent that membership organizations *that do not provide child care for school-age children for more than four hours per day, and are affiliated with national organizations which do not provide child care*, whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures, shall not be considered child care facilities and therefore, their personnel shall not be required to be screened. *Care for children under the age of Kindergarten is considered child care and is subject to the provisions of s. 402.301 through 402.19.*

And the title is amended as follows:

On page 1, line 12,

after the semicolon insert: amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing that implementation is not subject to an appropriation; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities;

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

Session Vote Sequence: 447

Yeas—42

Argenziano	Garcia	Kravitz	Siplin
Ausley	Gelber	Lee	Slosberg
Ball	Gottlieb	Lerner	Smith
Bendross-Mindingall	Greenstein	Lynn	Sobel
Betancourt	Harper	Machek	Wallace
Bucher	Henriquez	Peterman	Weissman
Bullard	Heyman	Rich	Wiles
Cusack	Holloway	Richardson	Wilson
Davis	Joyner	Ross	Wishner
Frankel	Justice	Ryan	
Gannon	Kosmas	Seiler	

Nays—70

The Chair	Berfield	Farkas	Jennings
Alexander	Bowen	Fasano	Jordan
Allen	Brummer	Fields	Kallinger
Andrews	Brutus	Flanagan	Kendrick
Arza	Byrd	Gardiner	Kilmer
Attkisson	Cantens	Gibson	Kottkamp
Atwater	Carassas	Goodlette	Kyle
Baker	Clarke	Green	Mack
Barreiro	Crow	Haridopolos	Mahon
Bean	Detert	Harrell	Mayfield
Bennett	Diaz de la Portilla	Harrington	Maygarden
Bense	Diaz-Balart	Hart	McGriff
Benson	Dockery	Hogan	Meadows

Mealor	Negron	Romeo	Stansel	Dockery	Henriquez	Mahon	Rubio
Melvin	Paul	Rubio	Trovillion	Farkas	Heyman	Mayfield	Russell
Miller	Pickens	Russell	Waters	Fields	Hogan	Maygarden	Ryan
Murman	Prieguez	Simmons		Fiorentino	Holloway	McGriff	Seiler
Needelman	Ritter	Spratt		Flanagan	Jennings	Meadows	Simmons
				Gannon	Johnson	Mealor	Siplin
				Garcia	Jordan	Melvin	Slosberg
				Gardiner	Joyner	Miller	Smith
				Gelber	Justice	Needelman	Sobel
				Gibson	Kallinger	Negron	Sorensen
				Goodlette	Kendrick	Paul	Spratt
				Gottlieb	Kottkamp	Peterman	Stansel
				Green	Kravitz	Pickens	Trovillion
				Greenstein	Kyle	Prieguez	Wallace
				Haridopolos	Lee	Rich	Waters
				Harper	Lerner	Richardson	Weissman
				Harrell	Littlefield	Ritter	Wiles
				Harrington	Machek	Romeo	Wilson
				Hart	Mack	Ross	Wishner

On motion by Rep. Baxley, the rules were waived and SB 666 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 448

Yeas—118

The Chair	Crow	Holloway	Paul
Alexander	Cusack	Jennings	Peterman
Allen	Davis	Johnson	Pickens
Andrews	Detert	Jordan	Prieguez
Argenziano	Diaz de la Portilla	Justice	Rich
Arza	Diaz-Balart	Kallinger	Richardson
Attkisson	Dockery	Kendrick	Ritter
Atwater	Farkas	Kilmer	Romeo
Ausley	Fasano	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Ball	Fiorentino	Kravitz	Russell
Barreiro	Flanagan	Kyle	Ryan
Baxley	Frankel	Lacasa	Seiler
Bean	Gannon	Lee	Simmons
Bendross-Mindingall	Garcia	Lerner	Siplin
Bennett	Gardiner	Littlefield	Slosberg
Bense	Gelber	Lynn	Smith
Benson	Gibson	Machek	Sobel
Berfield	Goodlette	Mack	Sorensen
Betancourt	Gottlieb	Mahon	Spratt
Bilirakis	Green	Mayfield	Stansel
Bowen	Greenstein	Maygarden	Trovillion
Brown	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	
Clarke	Hogan	Negron	

Nays—None

Votes after roll call:

Yeas—Joyner

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

CS for SB 354—A bill to be entitled An act relating to civil rights; amending s. 760.11, F.S., pertaining to administrative and civil remedies for violations of ss. 760.01-760.10, F.S., the “Florida Civil Rights Act of 1992”; revising procedures for filing complaints; providing an effective date.

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

Session Vote Sequence: 449

Yeas—112

The Chair	Baker	Betancourt	Cantens
Alexander	Barreiro	Bilirakis	Carassas
Allen	Baxley	Bowen	Clarke
Andrews	Bean	Brown	Crow
Argenziano	Bendross-Mindingall	Brummer	Cusack
Arza	Bennett	Brutus	Davis
Attkisson	Bense	Bucher	Detert
Atwater	Benson	Bullard	Diaz de la Portilla
Ausley	Berfield	Byrd	Diaz-Balart

Dockery	Henriquez	Mahon	Rubio
Farkas	Heyman	Mayfield	Russell
Fields	Hogan	Maygarden	Ryan
Fiorentino	Holloway	McGriff	Seiler
Flanagan	Jennings	Meadows	Simmons
Gannon	Johnson	Mealor	Siplin
Garcia	Jordan	Melvin	Slosberg
Gardiner	Joyner	Miller	Smith
Gelber	Justice	Needelman	Sobel
Gibson	Kallinger	Negron	Sorensen
Goodlette	Kendrick	Paul	Spratt
Gottlieb	Kottkamp	Peterman	Stansel
Green	Kravitz	Pickens	Trovillion
Greenstein	Kyle	Prieguez	Wallace
Haridopolos	Lee	Rich	Waters
Harper	Lerner	Richardson	Weissman
Harrell	Littlefield	Ritter	Wiles
Harrington	Machek	Romeo	Wilson
Hart	Mack	Ross	Wishner

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 1260.

CS for SB 1260—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 658.12, F.S.; revising a definition of the term banker’s bank; amending s. 658.165, F.S.; providing criteria for formation of a banker’s bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; amending s. 658.48, F.S.; revising limitations on the percentage of the capital accounts of the lending bank which apply to loans made to any one borrower on the security of shares of capital stock; revising the circumstances in which a bank may not make loans; repealing s. 655.81, F.S., relating to deposits in trust; amending s. 655.82, F.S.; prescribing survivorship rights among beneficiaries of pay-on-death accounts; providing effective dates.

—was read the second time by title.

Representative(s) Green offered the following:

(Amendment Bar Code: 880317)

Amendment 1 (with title amendment)—On page 2, line 22, insert:

Section 1. Subsection (3) of section 68.065, Florida Statutes, is amended to read:

68.065 Actions to collect worthless checks, drafts, or orders of payment; attorney’s fees and collection costs.—

(3) Before recovery under subsection (1) ~~or subsection (2)~~ may be claimed, a written demand shall be delivered by certified or registered

mail, evidenced by return receipt, to the maker or drawer of the check, draft, or order of payment. The form of such notice shall be substantially as follows:

“You are hereby notified that a check numbered . . . in the face amount of \$. . . issued by you on . . . (date). . . , drawn upon . . . (name of bank). . . , and payable to . . . , has been dishonored. Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5 percent of the face amount of the check, whichever is greater, the total amount due being \$. . . and . . . cents. Unless this amount is paid in full within the 30-day period, the holder of the check or instrument may file a civil action against you for three times the amount of the check, but in no case less than \$50, in addition to the payment of the check plus any court costs, reasonable attorney fees, and any bank fees incurred by the payee in taking the action.”

And the title is amended as follows:

On page 1, line 2 after the semicolon,

insert: amending s. 68.065, F.S.; removing a requirement that a written demand be delivered as a requirement for certain recoveries on worthless checks, drafts, or orders of payment;

Rep. Green moved the adoption of the amendment, which was adopted.

Representative(s) Green offered the following:

(Amendment Bar Code: 804975)

Amendment 2 (with title amendment)—On page 3, between lines 15 and 16,

insert:

Section 3. Paragraph (b) of subsection (2) of section 655.059, Florida Statutes, is amended to read:

655.059 Access to books and records; confidentiality; penalty for disclosure.—

(2)

(b) The books and records pertaining to the deposit accounts and loans of depositors, borrowers, members, and stockholders of any financial institution shall be kept confidential by the financial institution and its directors, officers, and employees and shall not be released except upon express authorization of the account holder as to her or his own accounts, loans, or voting rights. However, information relating to any loan made by a financial institution may be released without the borrower’s authorization in a manner prescribed by the board of directors for the purpose of meeting the needs of commerce and for fair and accurate credit information. Information may also be released, without the authorization of a member or depositor but in a manner prescribed by the board of directors, to verify or corroborate the existence or amount of a customer’s or member’s account when such information is reasonably provided to meet the needs of commerce and to ensure accurate credit information. In addition, a financial institution, affiliate, and its subsidiaries, and any holding company of the financial institution or subsidiary of such holding company, may furnish to one another information relating to their customers or members, subject to the requirement that each corporation receiving information that is confidential maintain the confidentiality of such information and not provide or disclose such information to any unaffiliated person or entity. *Notwithstanding this paragraph, nothing in this subsection shall prohibit a financial institution from disclosing financial information as referenced in this subsection as permitted by Public Law 106-102(1999), as set forth in 15 U.S.C.A., s. 6802, as amended.*

And the title is amended as follows:

On page 1, line 9, after the semicolon,

insert: amending s. 655.059, F.S.; authorizing certain disclosures permitted by certain federal law;

Rep. Green moved the adoption of the amendment, which was adopted.

On motion by Rep. Green, the rules were waived and CS for SB 1260, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 450

Yeas—118

The Chair	Crow	Jennings	Paul
Alexander	Cusack	Johnson	Peterman
Allen	Davis	Jordan	Pickens
Andrews	Detert	Joyner	Prieguez
Argenziano	Diaz de la Portilla	Justice	Rich
Arza	Diaz-Balart	Kallinger	Richardson
Attkisson	Dockery	Kendrick	Ritter
Atwater	Farkas	Kilmer	Romeo
Ausley	Fasano	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Ball	Fiorentino	Kravitz	Russell
Barreiro	Flanagan	Kyle	Ryan
Baxley	Frankel	Lacasa	Seiler
Bean	Gannon	Lee	Simmons
Bendross-Mindingall	Garcia	Lerner	Siplin
Bennett	Gardiner	Littlefield	Slosberg
Bense	Gibson	Lynn	Smith
Benson	Goodlette	Machek	Sobel
Berfield	Gottlieb	Mack	Sorensen
Betancourt	Green	Mahon	Spratt
Bilirakis	Greenstein	Mayfield	Stansel
Bowen	Haridopolos	Maygarden	Trovillion
Brown	Harper	McGriff	Wallace
Brunner	Harrell	Meadows	Waters
Brutus	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	
Clarke	Holloway	Negron	

Nays—2

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 1506.

On motion by Rep. Kendrick, the rules were waived by the required two-thirds vote and—

CS for SB 1506—A bill to be entitled An act relating to the Florida Retirement System; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Service System; eliminating a provision that makes investigators of the Medicaid Fraud Control Unit ineligible for membership in the Special Risk Class of the system; providing an effective date.

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

Session Vote Sequence: 451

Yeas—108

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Diaz-Balart	Jennings	Negron	Justice	Mack	Peterman	Slosberg
Baker	Dockery	Jordan	Paul	Kallinger	Mahon	Pickens	Smith
Ball	Farkas	Joyner	Peterman	Kendrick	Mayfield	Prieguez	Sobel
Baxley	Fasano	Justice	Pickens	Kilmer	Maygarden	Rich	Sorensen
Bean	Fields	Kallinger	Prieguez	Kosmas	McGriff	Richardson	Spratt
Bendross-Mindingall	Fiorentino	Kilmer	Rich	Kottkamp	Meadows	Ritter	Stansel
Bennett	Flanagan	Kosmas	Richardson	Kravitz	Mealor	Romeo	Trovillion
Bense	Frankel	Kottkamp	Romeo	Kyle	Melvin	Ross	Wallace
Benson	Gannon	Kravitz	Ross	Lacasa	Miller	Russell	Waters
Berfield	Garcia	Lacasa	Rubio	Lee	Murman	Ryan	Weissman
Betancourt	Gardiner	Lee	Russell	Lerner	Needelman	Seiler	Wiles
Bilirakis	Gelber	Lerner	Ryan	Littlefield	Negron	Simmons	Wilson
Brown	Gibson	Littlefield	Seiler	Machek	Paul	Siplin	Wishner
Brummer	Goodlette	Lynn	Simmons				
Brutus	Gottlieb	Machek	Slosberg	Nays—None			
Bucher	Green	Mack	Smith				
Bullard	Greenstein	Mahon	Sobel				
Byrd	Haridopolos	Mayfield	Sorensen				
Cantens	Harper	Maygarden	Spratt				
Carassas	Harrell	McGriff	Trovillion				
Clarke	Hart	Meadows	Wallace				
Crow	Henriquez	Mealor	Waters				
Cusack	Heyman	Miller	Weissman				
Davis	Hogan	Murman	Wiles				
Detert	Holloway	Needelman	Wilson				

Nays—None

Votes after roll call:

Yeas—Barreiro, Kendrick, Stansel, Wishner

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

Consideration of CS for SB 886

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 886.

On motion by Rep. Carassas, the rules were waived by the required two-thirds vote and—

CS for SB 886—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to a specified condition; providing immunity from criminal and civil liability for physicians making a determination of incapacity to manage property under certain conditions; providing an effective date.

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

Session Vote Sequence: 452

Yeas—116

Alexander	Berfield	Detert	Gottlieb
Allen	Betancourt	Diaz de la Portilla	Green
Andrews	Bilirakis	Diaz-Balart	Greenstein
Argenziano	Bowen	Dockery	Haridopolos
Arza	Brown	Farkas	Harper
Attkisson	Brummer	Fasano	Harrell
Atwater	Brutus	Fields	Harrington
Ausley	Bucher	Fiorentino	Hart
Baker	Bullard	Flanagan	Henriquez
Barreiro	Byrd	Frankel	Heyman
Baxley	Cantens	Gannon	Hogan
Bean	Carassas	Garcia	Holloway
Bendross-Mindingall	Clarke	Gardiner	Jennings
Bennett	Crow	Gelber	Johnson
Bense	Cusack	Gibson	Jordan
Benson	Davis	Goodlette	Joyner

Justice	Mack	Peterman	Slosberg
Kallinger	Mahon	Pickens	Smith
Kendrick	Mayfield	Prieguez	Sobel
Kilmer	Maygarden	Rich	Sorensen
Kosmas	McGriff	Richardson	Spratt
Kottkamp	Meadows	Ritter	Stansel
Kravitz	Mealor	Romeo	Trovillion
Kyle	Melvin	Ross	Wallace
Lacasa	Miller	Russell	Waters
Lee	Murman	Ryan	Weissman
Lerner	Needelman	Seiler	Wiles
Littlefield	Negron	Simmons	Wilson
Machek	Paul	Siplin	Wishner

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of SB 850.

Consideration of SB 850

On motion by Rep. McGriff, the rules were waived by the required two-thirds vote and—

SB 850—A bill to be entitled An act relating to state facilities; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; providing an effective date.

—was read the second time by title.

Representative(s) McGriff offered the following:

(Amendment Bar Code: 372859)

Amendment 1 (with title amendment)—On page 3, between lines 22 and 23, of the bill

insert:

Section 2. Subsection (1) of section 255.31, Florida Statutes, is amended to read:

255.31 Authority to the Department of Management Services to manage construction projects for state and local governments.—

(1) The design, construction, erection, alteration, modification, repair, and demolition of all public and private buildings are governed by the Florida Building Code and the Florida Fire Prevention Code, which are to be enforced by local jurisdictions or local enforcement districts unless specifically exempted as provided in s. 553.80. However, the Department of Management Services shall provide the project management and administration services for the construction, renovation, repair, modification, or demolition of buildings, utilities, parks, parking lots, or other facilities or improvements for projects for which the funds are appropriated to the department; provided that, with the exception of facilities constructed under the authority of chapters 944, 945, and 985; *the Governor's mansion and grounds thereof as described in s. 272.18; and the Capitol Building and environs, being that part of the City of Tallahassee bounded on the north by Pensacola and Jefferson Streets, on the east by Monroe Street, on the south by Madison Street, and on the west by Duval Street*, the department may not conduct plans reviews or inspection services for consistency with the Florida Building Code. The department's fees for such services shall be paid from such appropriations.

And the title is amended as follows:

On page 1, line 5,

after the semicolon insert: amending s. 255.31, F.S.; authorizing the Department of Management Services to review certain plans for consistency with the Florida Building Code;

Rep. McGriff moved the adoption of the amendment, which was adopted.

On motion by Rep. McGriff, the rules were waived and SB 850, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 453

Yeas—120

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Pickens
Arza	Diaz de la Portilla	Joyner	Prieguez
Attkisson	Diaz-Balart	Justice	Rich
Atwater	Dockery	Kallinger	Richardson
Ausley	Farkas	Kendrick	Ritter
Baker	Fasano	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner

Nays—None

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

On motion by Rep. Mealor, the rules were waived by the required two-thirds vote and—

SB 1198—A bill to be entitled An act relating to criminal offenses; creating s. 934.215, F.S.; providing that the use of a two-way communications device to facilitate or further the commission of any felony offense is a felony of the third degree; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; ranking the offense of unlawfully using a two-way communications device on the offense severity ranking chart; providing an effective date.

—was read the second time by title.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

On motion by Rep. Mealor, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 454

Yeas—120

The Chair	Baker	Berfield	Byrd
Alexander	Ball	Betancourt	Cantens
Allen	Barreiro	Bilirakis	Carassas
Andrews	Baxley	Bowen	Clarke
Argenziano	Bean	Brown	Crow
Arza	Bendross-Mindingall	Brummer	Cusack
Attkisson	Bennett	Brutus	Davis
Atwater	Bense	Bucher	Detert
Ausley	Benson	Bullard	Diaz de la Portilla

Diaz-Balart	Harrington	Littlefield	Romeo
Dockery	Hart	Lynn	Ross
Farkas	Henriquez	Machek	Rubio
Fasano	Heyman	Mack	Russell
Feeney	Hogan	Mahon	Ryan
Fields	Holloway	Mayfield	Seiler
Fiorentino	Jennings	McGriff	Simmons
Flanagan	Johnson	Meadows	Siplin
Frankel	Jordan	Mealor	Slosberg
Gannon	Joyner	Melvin	Smith
Garcia	Justice	Miller	Sobel
Gardiner	Kallinger	Murman	Sorensen
Gelber	Kendrick	Needelman	Spratt
Gibson	Kilmer	Negron	Stansel
Goodlette	Kosmas	Paul	Trovillion
Gottlieb	Kottkamp	Peterman	Wallace
Green	Kravitz	Pickens	Waters
Greenstein	Kyle	Prieguez	Weissman
Haridopolos	Lacasa	Rich	Wiles
Harper	Lee	Richardson	Wilson
Harrell	Lerner	Ritter	Wishner

Nays—None

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

On motion by Rep. Baxley, the rules were waived by the required two-thirds vote and—

SB 2104—A bill to be entitled An act relating to hiring or leasing with intent to defraud; amending s. 812.155, F.S.; providing that the exclusion of property obtained under a rental-purchase agreement from criminal statutes relating to hiring or leasing with intent to defraud and similar offenses does not apply when the rental store retains title to the property through the period of the agreement; providing penalties; providing an effective date.

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

Session Vote Sequence: 455

Yeas—117

The Chair	Byrd	Haridopolos	Mahon
Alexander	Cantens	Harper	Mayfield
Allen	Carassas	Harrell	McGriff
Andrews	Clarke	Harrington	Meadows
Argenziano	Crow	Hart	Mealor
Arza	Cusack	Henriquez	Melvin
Attkisson	Davis	Heyman	Miller
Atwater	Detert	Hogan	Murman
Ausley	Diaz de la Portilla	Holloway	Needelman
Baker	Diaz-Balart	Jennings	Negron
Ball	Dockery	Johnson	Paul
Barreiro	Farkas	Jordan	Peterman
Baxley	Fasano	Joyner	Pickens
Bean	Feeney	Justice	Prieguez
Bendross-Mindingall	Fields	Kallinger	Rich
Bennett	Fiorentino	Kendrick	Richardson
Bense	Flanagan	Kilmer	Romeo
Benson	Frankel	Kosmas	Ross
Berfield	Gannon	Kottkamp	Rubio
Betancourt	Garcia	Kravitz	Russell
Bilirakis	Gardiner	Kyle	Ryan
Bowen	Gelber	Lacasa	Seiler
Brown	Gibson	Lerner	Simmons
Brummer	Goodlette	Littlefield	Slosberg
Brutus	Gottlieb	Lynn	Smith
Bucher	Green	Machek	Sobel
Bullard	Greenstein	Mack	Sorensen

Spratt	Wallace	Weissman	Wilson
Stansel	Waters	Wiles	Wishner
Trovillion			

Nays—None

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

On motion by Rep. Romeo—

CS for SB 208—A bill to be entitled An act relating to consumer protection; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term “consumer” for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; 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 ch. 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 an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing an effective date.

—was taken up and read the second time by title. On motion by Rep. Romeo, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 456

Yeas—118

The Chair	Crow	Hogan	Negron
Alexander	Cusack	Holloway	Paul
Allen	Davis	Jennings	Peterman
Andrews	Detert	Johnson	Pickens
Argenziano	Diaz de la Portilla	Jordan	Rich
Arza	Diaz-Balart	Joyner	Richardson
Attkisson	Dockery	Justice	Ritter
Atwater	Farkas	Kallinger	Romeo
Ausley	Fasano	Kendrick	Ross
Baker	Feeney	Kilmer	Rubio
Ball	Fields	Kosmas	Russell
Barreiro	Fiorentino	Kottkamp	Ryan
Bean	Flanagan	Kravitz	Seiler
Bendross-Mindingall	Frankel	Kyle	Simmons
Bennett	Gannon	Lacasa	Siplin
Bense	Garcia	Lee	Slosberg
Benson	Gardiner	Lerner	Smith
Berfield	Gelber	Littlefield	Sobel
Betancourt	Gibson	Lynn	Sorensen
Bilirakis	Goodlette	Machek	Spratt
Bowen	Gottlieb	Mack	Stansel
Brown	Green	Mahon	Trovillion
Brummer	Greenstein	Mayfield	Wallace
Brutus	Haridopolos	McGriff	Waters
Bucher	Harper	Meadows	Weissman
Bullard	Harrell	Mealor	Wiles
Byrd	Harrington	Melvin	Wilson
Cantens	Hart	Miller	Wishner
Carassas	Henriquez	Murman	
Clarke	Heyman	Needelman	

Nays—None

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

THE SPEAKER IN THE CHAIR

Announcement

Rep. Romeo informed the House that she would be having surgery after adjournment of the regular session and expressed sincere appreciation for the support she had received from the Membership.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

SB 536—A bill to be entitled An act relating to demineralization concentrate; amending s. 403.0882, F.S.; reorganizing and clarifying the section; directing the Department of Environmental Protection to enter into rulemaking; creating a technical advisory committee to assist in rule development; providing permitting requirements relating to failure of toxicity tests due to naturally occurring constituents; amending s. 403.061, F.S.; providing an exemption allowing demineralization concentrate mixing zones in Outstanding Florida Waters with specific requirements; providing an effective date.

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

Session Vote Sequence: 457

Yeas—114

The Chair	Davis	Johnson	Peterman
Alexander	Detert	Jordan	Pickens
Allen	Diaz de la Portilla	Joyner	Prieguez
Andrews	Diaz-Balart	Justice	Rich
Argenziano	Farkas	Kallinger	Richardson
Attkisson	Fasano	Kendrick	Ritter
Atwater	Feeney	Kilmer	Romeo
Ausley	Fields	Kosmas	Ross
Baker	Fiorentino	Kottkamp	Rubio
Ball	Frankel	Kravitz	Russell
Barreiro	Gannon	Kyle	Ryan
Baxley	Garcia	Lacasa	Seiler
Bean	Gardiner	Lee	Simmons
Bendross-Mindingall	Gelber	Lerner	Siplin
Bennett	Gibson	Littlefield	Slosberg
Bense	Goodlette	Lynn	Smith
Benson	Gottlieb	Machek	Sobel
Berfield	Green	Mack	Sorensen
Betancourt	Greenstein	Mahon	Spratt
Bilirakis	Haridopolos	Mayfield	Stansel
Bowen	Harper	McGriff	Trovillion
Brown	Harrell	Meadows	Wallace
Brutus	Harrington	Mealor	Waters
Bucher	Hart	Melvin	Weissman
Bullard	Henriquez	Miller	Wiles
Byrd	Heyman	Murman	Wilson
Carassas	Hogan	Needelman	Wishner
Clarke	Holloway	Negron	
Cusack	Jennings	Paul	

Nays—None

Votes after roll call:

Yeas—Brummer, Cantens

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

On motion by Rep. Goodlette, the rules were waived and the House moved to the order of—

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1956, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Commerce and Economic Opportunities and Senators Latvala, Sanderson and Crist—

CS for SB 1956—A bill to be entitled An act relating to motor vehicles; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; amending s. 320.699, revising provisions relating to administrative hearings; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement that prohibits disclosure of its terms is void; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing an effective date.

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

Representative(s) Bense offered the following:

(Amendment Bar Code: 582367)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Effective July 1, 2001, subsection (4) of section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited.—

(4) A law enforcement officer, *compliance examiner*, or license inspector, or supervisor of the department, ~~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, *compliance examiner*, or license inspector, or supervisor of the department. 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 2. Subsection (4) of section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations and other parking violations.—

(4) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100 or the fine amount designated by county ordinance, plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

Section 3. Subsection (2) of section 316.228, Florida Statutes, is amended to read:

316.228 Lamps or flags on projecting load.—

(2) Any commercial motor vehicle or trailer, ~~except as stated in s. 316.515(7)~~, transporting a load of unprocessed logs, or long pulpwood, poles, or posts which load extends extend more than 4 feet beyond the rear of the body or bed of such vehicle, must have securely fixed as close as practical to the end of any such projection one amber strobe-type lamp equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. *If the mounting of one strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple strobe lights must be used to meet the visibility requirements of this subsection.* The strobe lamp must flash at a rate of at least 60 flashes per minute and

must be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting load at any time of the day or night. The lamp must be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. *The projecting load must also be marked with a red flag as described in subsection (1).*

Section 4. Subsection (6) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(6) One hundred dollars or the fine amount designated by county ordinance, plus court costs for illegally parking, under s. 316.1955, in a parking space provided for people who have disabilities. However, this fine will be waived if a person provides to the law enforcement agency that issued the citation for such a violation proof that the person committing the violation has a valid parking permit or license plate issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848 or a signed affidavit that the owner of the disabled parking permit or license plate was present at the time the violation occurred, and that such a parking permit or license plate was valid at the time the violation occurred. The law enforcement officer, upon determining that all required documentation has been submitted verifying that the required parking permit or license plate was valid at the time of the violation, must sign an affidavit of compliance. Upon provision of the affidavit of compliance and payment of a \$5 dismissal fee to the clerk of the circuit court, the clerk shall dismiss the citation.

Section 5. Subsection (5) of section 319.23, Florida Statutes, is amended, and a new subsection (11) is added to that section to read:

319.23 Application for, and issuance of, certificate of title.—

(5) The certificate of title issued by the department for a motor vehicle or mobile home previously registered outside this state shall give the name of the state or country in which the vehicle was last registered outside this state. ~~The department shall retain the evidence of title presented by the applicant and based on which the certificate of title is issued.~~ The department shall use reasonable diligence in ascertaining whether or not the facts in the application are true; and, if satisfied that the applicant is the owner of the motor vehicle or mobile home and that the application is in the proper form, it shall issue a certificate of title.

(11) *The department is not required to retain any evidence of title presented by the applicant and based on which the certificate of title is issued.*

Section 6. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 320.023, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contributions if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, ~~or to pay the cost of the audit or report required by law.~~

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually attest report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.~~

~~(d)(e) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report shall be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(6) Within 90 days after receiving an organization's audit or attestation report, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) ~~The Auditor General and the department has have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) *All organizations seeking to establish a voluntary contribution on a motor vehicle registration application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.*

Section 7. Paragraphs (a), (b) and (c) of subsection (8) of section 320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(8)(a) The department must discontinue the issuance of an approved specialty license plate if:

1. Less than 8,000 plates, *including annual renewals*, are issued for that specialty license plate by the end of the 5th year of sales.

2. Less than 8,000 plates, *including annual renewals*, are issued for that specialty license plate during any subsequent 5-year period.

(b) The department is authorized to discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop all warrants for plate sales if any of the conditions in this section exist, and must meet the requirements of s. 320.08062 for any period of operation during a fiscal year.*

(c) The requirements of paragraph (a) shall not apply to collegiate specialty license plates authorized in s. 320.08058(3), ~~and~~ (13), (21), and (26).

Section 8. Section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits and attestation required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

~~(b) All organizational recipients of any specialty license plate annual use fee authorized in this chapter, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with ss. 320.08056 and 320.08058.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$25,000 in annual use fee proceeds directly from the department, or from another state agency, may annually attest report, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report shall be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(2) Within 90 days after receiving an organization's audit or attestation report, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

(3) ~~The Auditor General and the department has have~~ the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.

Section 9. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any license plate or fuel-use tax decal if the owner pays for the license plate, fuel-use tax decal, or any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, *or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation Motor Carrier Compliance Office..* The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 10. Subsection (4) of section 322.05, Florida Statutes, is amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(4) Except as provided by this subsection, to any person, as a Class A licensee, Class B licensee, Class C licensee, or Class D licensee, who is under the age of 18 years. A person age 16 or 17 years who applies for a Class D driver's license is subject to all the requirements and provisions of ss. 322.09, ~~and 322.16(2) and (3), and 322.05(2)(a) and (b).~~ ~~Any person who applies for a Class D driver's license who is age 16 or 17 years must have had a learner's driver's license or a driver's license for at least 90 days before he or she is eligible to receive a Class D driver's license.~~ The department may require of any such applicant for a Class D driver's license such examination of the qualifications of the applicant as the department considers proper, and the department may limit the use of any license granted as it considers proper.

Section 11. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 322.081, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

322.081 Requests to establish voluntary ~~check-off~~ ~~checkoff~~ on driver's license application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contribution, if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, ~~or to pay the cost of the audit or report required by law.~~

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually attest report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.~~

~~(d)(e) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report must be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(6) Within 90 days after receiving an organization's audit or attestation report, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department

determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) ~~The Auditor General and the~~ department ~~has~~ have the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) *All organizations seeking to establish a voluntary contribution on a driver's license application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.*

Section 12. Section 322.161, Florida Statutes, is amended to read:

322.161 High-risk drivers; restricted licenses.—

(1)(a) Notwithstanding any provision of law to the contrary, the department shall restrict the driving privilege of any Class D or Class E licensee who is age 15 through 17 and who has accumulated ~~six four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period.

(b) Upon determination that any person has accumulated ~~six four~~ or more points, the department shall notify the licensee and issue the licensee a restricted license for business purposes only. The licensee must appear before the department within 10 days after notification to have this restriction applied. The period of restriction shall be for a period of no less than 1 year beginning on the date it is applied by the department.

(c) The restriction shall be automatically withdrawn by the department after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of restriction shall be extended 90 days for each point. The restriction shall also be automatically withdrawn upon the licensee's 18th birthday if no other grounds for restriction exist. The licensee must appear before the department to have the restriction removed and a duplicate license issued.

(2)(a) Any Class E licensee who is age 15 through 17 and who has accumulated ~~six four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period shall not be eligible to obtain a Class D license for a period of no less than 1 year. The period of ineligibility shall begin on the date of conviction for the violation that results in the licensee's accumulation of ~~six four~~ or more points.

(b) The period of ineligibility shall automatically expire after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of ineligibility shall be extended 90 days for each point. The period of ineligibility shall also automatically expire upon the licensee's 18th birthday if no other grounds for ineligibility exist.

(3) Any action taken by the department pursuant to this section shall not be subject to any formal or informal administrative hearing or similar administrative procedure.

(4) The department shall adopt rules to carry out the purposes of this section.

Section 13. Section 322.222, Florida Statutes, is created to read:

322.222 Right to review.—A driver may request an administrative hearing to review a revocation under s. 322.221(3). The hearing must be held in accordance with the department's administrative rules adopted under chapter 120.

Section 14. Subsections (1), (3), and (10) of section 322.2615, Florida Statutes, are amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of s.

316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by s. 316.1932. The officer shall take the person's driver's license and issue the person a *10-day 30-day* temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level as provided in that section and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended for a violation of s. 316.193.

2. The suspension period shall commence on the date of arrest or issuance of the notice of suspension, whichever is later.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of arrest or issuance of the notice of suspension, whichever is later.

4. The temporary permit issued at the time of arrest will expire at midnight of the *10th 30th* day following the date of arrest or issuance of the notice of suspension, whichever is later.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the license of the person arrested should be suspended pursuant to this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of suspension and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires *10 30* days after the date of issuance if the driver is otherwise eligible.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day 30-day* permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the driver's license of the person arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level, is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day 30-day* permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the

suspension for a violation of s. 316.193, relating to unlawful blood-alcohol level, is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the arrest.

Section 15. Subsection (3) is added to section 322.292, Florida Statutes, to read:

322.292 DUI programs supervision; powers and duties of the department.—

(3) *DUI programs must be operated by either governmental entities or not-for-profit corporations.*

Section 16. Subsections (8), (9), and (10) are added to section 322.61, Florida Statutes, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(8) *A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:*

(a) *Not less than 90 days nor more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.*

(b) *Not less than 1 year nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.*

(c) *Not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.*

(d) *Not less than 180 days nor more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.*

(9) *A driver who is convicted of or otherwise found to have committed an offense of operating a commercial motor vehicle in violation of federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in subsection (10):*

(a) *For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching trains.*

(b) *For drivers who are not always required to stop, failing to stop before reaching the crossing if the tracks are not clear.*

(c) *For drivers who are always required to stop, failing to stop before driving onto the crossing.*

(d) *For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.*

(e) *For all drivers, failing to obey a traffic control device or all directions of an enforcement official at the crossing.*

(f) *For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.*

(10)(a) *A driver must be disqualified for not less than 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.*

(b) A driver must be disqualified for not less than 120 days if, during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.

(c) A driver must be disqualified for not less than 1 year if, during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.

Section 17. Subsections (1) and (3) of section 322.64, Florida Statutes, are amended to read:

322.64 Holder of commercial driver's license; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a 10-day ~~30-day~~ temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

(b) The disqualification under paragraph (a) shall be pursuant to, and the notice of disqualification shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and he or she is disqualified from operating a commercial motor vehicle for a period of 1 year, for a first refusal, or permanently, if he or she has previously been disqualified as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level and he or she is disqualified from operating a commercial motor vehicle for a period of 6 months for a first offense or for a period of 1 year if he or she has previously been disqualified, or his or her driving privilege has been previously suspended, for a violation of s. 316.193.

2. The disqualification period shall commence on the date of arrest or issuance of notice of disqualification, whichever is later.

3. The driver may request a formal or informal review of the disqualification by the department within 10 days after the date of arrest or issuance of notice of disqualification, whichever is later.

4. The temporary permit issued at the time of arrest or disqualification will expire at midnight of the 10th ~~30th~~ day following the date of disqualification.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of disqualification and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires 10 ~~30~~ days after the date of issuance if the driver is otherwise eligible.

Section 18. 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 \$1.4 million for any administrative costs which shall be deposited in the Highway Safety Operating Trust Fund, in each fiscal year beginning on or after July 1, 2001, 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).

(b) 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.

(c) 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.

(d) 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 Services. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 19. Paragraph (a) of subsection (11) of section 320.60, Florida Statutes, is amended and a new subsection (15) is added to read:

320.60 Definitions for ss. 320.61-320.70.—Whenever used in ss. 320.61-320.70, unless the context otherwise requires, the following words and terms have the following meanings:

(11)(a) "Motor vehicle dealer" means any person, firm, company, or corporation, or other entity, who,

1. Is licensed pursuant to s. 320.27 as a "franchised motor vehicle dealer" and, for commission, money or other things of value, repairs or services motor vehicles or used motor vehicles pursuant to an agreement as defined in subsection (1), or

2. Who sells, exchanges, buys, leases or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles, or

3. Who is engaged wholly or in part in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, company, or corporation.

(15) "Sell," "selling," "sold," "exchange," "retail sales," and "leases" includes any transaction where the title of motor vehicle or used motor vehicle is transferred to a retail consumer, and also any retail lease transaction where a retail customer leases a vehicle for a period of at least 12 months. Establishing a price for sale pursuant to s. 320.64(24) does not constitute a sale or lease.

Section 20. Subsection (4) of section 320.61, Florida Statutes, is amended to read:

320.61 Licenses required of motor vehicle manufacturers, distributors, importers, etc.—

(4) When a complaint of unfair or prohibited cancellation or nonrenewal of a dealer agreement is made by a motor vehicle dealer

against a licensee and *such complaint is pending is in the process of being heard* pursuant to ss. 320.60-320.70 by the department, no replacement application for such agreement shall be granted and no license shall be issued by the department under s. 320.27 to any replacement dealer until a final decision is rendered by the department on the complaint of unfair cancellation, so long as the dealer agreement of the complaining dealer is in effect as provided under s. 320.64(7).

Section 21. Subsections (13) and (16) are repealed, subsections (14), (15), and (17)-(23) are renumbered, subsection (20) is amended and renumbered as (18), and subsections (22)-(33) are added to section 320.64, Florida Statutes, to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license of a licensee under s. 320.61 may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, upon a proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing and a licensee or applicant shall be liable for claims and remedies provided in s. 320.695 and s. 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts: upon proof that an applicant or licensee has failed to comply with any of the following provisions with sufficient frequency so as to establish a pattern of wrongdoing on the part of the applicant:

(13) ~~The applicant or licensee has refused to deliver, in reasonable quantities and within a reasonable time, to any duly licensed motor vehicle dealer who has an agreement with such applicant or licensee for the retail sale of new motor vehicles and parts for motor vehicles sold or distributed by the applicant or licensee, any such motor vehicles or parts as are covered by such agreement specifically publicly advertised by such applicant or licensee to be available for immediate delivery. However, the failure to deliver any motor vehicle or part will not be considered a violation of this section if the failure is due to act of God, work stoppage, or delay due to a strike or labor difficulty, a freight embargo, product shortage, or other cause over which the applicant or licensee has no control. The failure to deliver parts or components for the current and 5 preceding years' models within 60 days from date of order shall be deemed prima facie unreasonable.~~

(16) ~~Notwithstanding the terms of any franchise agreement, and unless it can be shown that the licensee's franchised dealer is actively negligent, the applicant or licensee has failed to indemnify and hold harmless its franchised motor vehicle dealer against any judgment for damages or settlement agreed to in writing by the applicant or licensee, including, but not limited to, court costs and reasonable attorney's fees of the motor vehicle dealer, which judgment or settlement arose out of complaints, claims, or lawsuits based upon such grounds as strict liability; negligence; misrepresentation; warranty, express or implied; or rescission of the sale as described in s. 672.608, less any offset for use recovered by the licensee's franchised motor vehicle dealer, and only to the extent that the judgment or settlement relates to the alleged defective or negligent manufacture, assembly, or design of new motor vehicles, parts, or accessories or other functions of the manufacturer.~~

(18)(20) The applicant or licensee has established a system of motor vehicle allocation or distribution or has implemented a system of allocation or distribution of motor vehicles to one or more of its franchised motor vehicle dealers which is unfair, inequitable, unreasonably discriminatory, or not supportable by reason and good cause after considering the equities of the affected motor vehicles dealer or dealers. An applicant or licensee shall maintain for 3 years records that describe its methods or formula of allocation and distribution of its motor vehicles and records of its actual allocation and distribution of motor vehicles to its motor vehicle dealers in this state.

(22) The applicant or licensee has refused to deliver, in reasonable quantities and within a reasonable time, to any duly licensed motor vehicle dealer who has an agreement with such applicant or licensee for the retail sale of new motor vehicles and parts for motor vehicles sold or distributed by the applicant or licensee, any such motor vehicles or parts as are covered by such agreement. Such refusal includes the failure to offer to its same line-make franchised motor vehicle dealers all models

manufactured for that line-make, or requiring a dealer to pay any extra fee, require a dealer to execute a separate franchise agreement, purchase unreasonable advertising displays or other materials, or remodel, renovate, or recondition the dealer's existing facilities, or provide exclusive facilities as a prerequisite to receiving a model or series of vehicles. However, the failure to deliver any motor vehicle or part will not be considered a violation of this section if the failure is due to an act of God, work stoppage, or delay due to a strike or labor difficulty, a freight embargo, product shortage, or other cause over which the applicant or licensee has no control. An applicant or licensee may impose reasonable requirements on the motor vehicle dealer, other than the items listed above, including, but not limited to, the purchase of special tools required to properly service a motor vehicle, the undertaking of sales person or service person training related to the motor vehicle.

(23) The applicant or licensee has competed or is competing with respect to any activity covered by the franchise agreement with a motor vehicle dealer of the same line-make located in this state with whom the applicant or licensee has entered into a franchise agreement, except as permitted in s. 320.645.

(24) The applicant or licensee has sold a motor vehicle to any retail consumer in the state except through a motor vehicle dealer holding a franchise agreement for the line-make that includes the motor vehicle. This section does not apply to sales by the applicant or licensee of motor vehicles to its current employees, employees of companies affiliated by common ownership, charitable not-for-profit organizations, and the federal government.

(25) The applicant or licensee has undertaken an audit of warranty payments or incentive payment previously paid to a motor vehicle dealer in violation of this section or has failed to comply with s. 320.696. An applicant or licensee may reasonably and periodically audit a motor vehicle dealer to determine the validity of paid claims. Audit of warranty payments shall only be for the 1-year period immediately following the date the claim was paid. Audit of incentive payments shall only be for an 18-month period immediately following the date the incentive was paid. An applicant or licensee shall not deny a claim or charge a motor vehicle dealer back subsequent to the payment of the claim unless the applicant or licensee can show that the claim was false or fraudulent or that the motor vehicle dealer failed to substantially comply with the reasonable written and uniformly applied procedures of the applicant or licensee for such repairs or incentives.

(26) Notwithstanding the terms of any franchise agreement, the applicant or licensee has refused to allocate, sell, or deliver motor vehicles, charged back or withheld payments or other things of value for which the dealer is otherwise eligible under a sales promotion, program, or contest, or prevented the motor vehicle dealer from participating in any promotion, program, or contest for selling a motor vehicle to a customer who was present at the dealership and the motor vehicle dealer did not know or should not have reasonably known that the vehicle would be shipped to a foreign country. There will be a rebuttable presumption that the dealer did not know or should not have reasonably known that the vehicle would be shipped to a foreign country if the vehicle is titled in one of the fifty United States.

(27) Notwithstanding the terms of any franchise agreement, the applicant or licensee has failed or refused to indemnify and hold harmless any motor vehicle dealer against any judgment for damages, or settlements agreed to by the applicant or licensee, including, without limitation, court costs and reasonable attorneys fees, arising out of complaints, claims, or lawsuits, including, without limitation, strict liability, negligence, misrepresentation, express or implied warranty, or revocation or rescission of acceptance of the sale of a motor vehicle, to the extent the judgment or settlement relates to the alleged negligent manufacture, design, or assembly of motor vehicles, parts, or accessories. Nothing herein shall obviate the licensee's obligations pursuant to chapter 681.

(28) The applicant or licensee has published, disclosed, or otherwise made available in any form information provided by a motor vehicle dealer with respect to sales prices of motor vehicles or profit per motor vehicle sold. Other confidential financial information provided by motor

vehicle dealers shall not be published, disclosed, or otherwise made publicly available except in composite form. However, this information may be disclosed with the written consent of the dealer or in response to a subpoena or order of the Department, a court or a lawful tribunal, or introduced into evidence in such a proceeding, after timely notice to an affected dealer.

(29) *The applicant or licensee has failed to reimburse a motor vehicle dealer in full for the reasonable cost of providing a loaner vehicle to any customer who is having a vehicle serviced at the motor vehicle dealer, if a loaner is required by the applicant or licensee, or a loaner is expressly part of an applicant or licensee's customer satisfaction index or computation.*

(30) *The applicant or licensee has conducted or threatened to conduct any audit of a motor vehicle dealer in order to coerce or attempt to coerce the dealer to forego any rights granted to the dealer under ss. 320.60-320.70 or under the agreement between the licensee and the motor vehicle dealer. Nothing in this section shall prohibit an applicant or licensee from reasonably and periodically auditing a dealer to determine the validity of paid claims.*

(31) *From and after the effective date of enactment of this provision, the applicant or licensee has offered to any motor vehicle dealer a franchise agreement that:*

(a) *Requires that a motor vehicle dealer bring an administrative or legal action in a venue outside of this state, or*

(b) *Requires that any arbitration, mediation, or other legal proceeding be conducted outside of this state, or*

(c) *Requires that a law of a state other than Florida be applied to any legal proceeding between a motor vehicle dealer and a licensee.*

(32) *Notwithstanding the terms of any franchise agreement, the applicant or licensee has rejected or withheld approval of any proposed transfer in violation of s. 320.643 or a proposed change of executive management in violation of s. 320.644.*

Section 22. Section 320.641, Florida Statutes, is amended and a new subsection (8) is added to read:

320.641 *Discontinuations, cancellations, nonrenewals, modifications, and replacement* ~~Unfair cancellation~~ of franchise agreements.—

(1)(a) An applicant or licensee shall give written notice to the motor vehicle dealer and the department of the licensee's intention to discontinue, cancel, or fail to renew a franchise agreement or of the licensee's intention to modify a franchise or replace a franchise with a succeeding franchise, which modification or replacement will adversely alter the rights or obligations of a motor vehicle dealer under an existing franchise agreement or will substantially impair the sales, service obligations, or investment of the motor vehicle dealer, at least 90 days before the effective date thereof, together with the specific grounds for such action.

(b) The failure by the licensee to comply with the 90-day notice period and procedure prescribed herein shall render voidable, at the option of the motor vehicle dealer, any discontinuation, cancellation, nonrenewal, modification, or replacement of any franchise agreement. Designation of a franchise agreement at a specific location as a "nondesignated point" shall be deemed an evasion of this section and constitutes an unfair cancellation.

(2) Franchise agreements are deemed to be continuing unless the applicant or licensee has notified the department of the discontinuation of, cancellation of, failure to renew, modification of, or replacement of the agreement of any of its motor vehicle dealers; and annual renewal of the license provided for under ss. 320.60-320.70 is not necessary for any cause of action against the licensee.

(3) Any motor vehicle dealer who receives a notice of intent to discontinue, cancel, not renew, modify, or replace ~~whose franchise agreement is discontinued, canceled, not renewed, modified, or replaced~~ may, within the 90-day notice period, file a petition or complaint for a

determination of whether such action is an unfair or prohibited discontinuation, cancellation, nonrenewal, modification, or replacement. Agreements and certificates of appointment shall continue in effect until final determination of the issues raised in such petition or complaint by the motor vehicle dealer. A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; is not undertaken for good cause; or is based on an alleged breach of the franchise agreement which is not in fact a material and substantial breach; or, if the grounds relied upon for termination, cancellation, or nonrenewal have not been applied in a uniform and consistent manner by the licensee. A modification or replacement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; or is not undertaken for good cause. The applicant or licensee shall have burden of proof that such action is fair and not prohibited.

(4) Notwithstanding any other provision of this section, the failure of a motor vehicle dealer to be engaged in business with the public for 10 consecutive business days constitutes abandonment by the dealer of his or her franchise agreement. If any motor vehicle dealer abandons his or her franchise agreement, he or she has no cause of action under this section. For the purpose of this section, a dealer shall be considered to be engaged in business with the public if a sales and service facility is open and is performing such services 8 hours a day, 5 days a week, excluding holidays. However, it will not be considered abandonment if such failure to engage in business is due to an act of God, a work stoppage, or a delay due to a strike or labor difficulty, a freight embargo, or other cause over which the motor vehicle dealer has no control, including any violation of ss. 320.60-320.70.

(5) Notwithstanding any other provision of this section, if a motor vehicle dealer has abandoned his or her franchise agreement as provided in subsection (4), the licensee may give written notice to the dealer and the department of the licensee's intention to discontinue, cancel, or fail to renew the franchise agreement with the dealer at least 15 days before the effective date thereof, specifying the grounds for such action. A motor vehicle dealer receiving such notice may file a petition or complaint for determination of whether in fact there has been an abandonment of the franchise.

(6) If the complainant motor vehicle dealer prevails, he or she shall have a cause of action against the licensee for reasonable attorneys' fees and costs incurred by him or her in such proceeding, and he or she shall have a cause of action under s. 320.697.

(7) Except as provided in s. 320.643, no replacement motor vehicle dealer shall be named for this point or location to engage in business *and the franchise agreement shall remain in effect until a final judgment is entered after all appeals are exhausted, provided that, when a motor vehicle dealer appeals a decision upholding a discontinuation, cancellation, or nonrenewal based upon abandonment or revocation of the dealer's license pursuant to s. 320.27, as lawful reasons for such discontinuation, cancellation, or nonrenewal, the franchise agreement shall remain in effect pending exhaustion of all appeals only if the motor vehicle dealer establishes a likelihood of success on appeal and that the public interest will not be harmed by keeping the franchise agreement in effect pending entry of final judgment after such appeal.* ~~prior to the final adjudication by the department on the petition or complaint and the exhaustion of all appellate remedies by the canceled or discontinued dealer, if a stay is issued by either the department or an appellate court.~~

(8) *If a transfer is proposed pursuant to s. 320.643(1) or (2) after a notice of intent to discontinue, cancel, or not renew a franchise agreement is received but, prior to the final determination, including exhaustion of all appellate remedies of a motor vehicle dealer's complaint or petition contesting such action, the termination proceedings shall be stayed, without bond, during the period that the transfer is being reviewed by the licensee pursuant to s. 320.643.; During the period that the transfer is being reviewed by the licensee, pursuant to s. 320.643, the franchise agreement shall remain in full force and effect, and the motor vehicle dealer shall retain all rights and remedies pursuant to the terms and conditions of the franchise agreement and applicable law, including all rights of transfer until such time as the licensee has accepted or rejected the proposed transfer. If the proposed transfer is rejected, the motor*

vehicle dealer shall retain all of its rights pursuant to s. 320.643 to an administrative determination as to whether the licensee's rejection is in compliance with the provisions of s. 320.643, and during the pendency of any such administrative proceedings, and any related appellate proceedings, the termination proceedings shall remain stayed without bond, the franchise agreement shall remain in full force and effect and the motor vehicle dealer shall retain all rights and remedies pursuant to the terms and conditions of the franchise agreement and applicable law, including all rights of transfer. If a transfer is approved by the licensee or mandated by law, the termination proceedings shall be dismissed with prejudice as moot. The subsection (8) applies only to the first two proposed transfers pursuant to s. 320.643(1) or (2) after notice of intent to discontinue, cancel, or not renew is received.

Section 23. Section 320.643, Florida Statutes, is amended to read:

320.643 Transfer, assignment, or sale of franchise agreements.—

(1) A motor vehicle dealer shall not transfer, assign, or sell a franchise agreement to another person unless the dealer first notifies the licensee of the dealer's decision to make such transfer, by written notice setting forth the prospective transferee's name, address, financial qualification, and business experience during the previous 5 years. The licensee shall, in writing, within 60 days after receipt of such notice, inform the dealer either of the licensee's approval of the transfer, assignment, or sale or of the unacceptability of the proposed transferee, setting forth the material reasons for the rejection. If the licensee does not so inform the dealer within the 60-day period, its approval of the proposed transfer is deemed granted. No such transfer, assignment, or sale will be valid unless the transferee agrees in writing to comply with all requirements of the franchise then in effect. ~~Notwithstanding the terms of any franchise agreement, the acceptance by the licensee of the proposed transferee shall not be unreasonably withheld.~~ For the purposes of this section, the refusal by the licensee to accept a proposed transferee who is of good moral character and who otherwise meets the written, reasonable, and uniformly applied standards or qualifications, if any, of the licensee relating to *financial qualifications of the transferee and the business experience of the transferee or the transferee's executive management required by the licensee of its motor vehicle dealers* is presumed to be unreasonable. A motor vehicle dealer whose proposed sale is rejected licensee who receives such notice may, within 60 days following such receipt of such rejection, file with the department a verified complaint for a determination that the proposed transferee has been rejected in violation of is not a person qualified to be a transferee under this section. The licensee has the burden of proof with respect to all issues raised by such verified complaint. The department shall determine, and enter an order providing, that the proposed transferee is either qualified or is not and cannot be qualified for specified reasons, or the order may provide the conditions under which a proposed transferee would be qualified. If the licensee fails to file such a response to the motor vehicle dealer's verified complaint within 30 such 60-days after receipt of the complaint, unless the parties agree in writing to an extension, period or if the department, after a hearing, dismisses the complaint or renders a decision other than one disqualifying the proposed transferee, the franchise agreement between the motor vehicle dealer and the licensee shall be deemed amended to incorporate such transfer or amended in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.

(2)(a) Notwithstanding the terms of any franchise agreement, a licensee shall not, by contract or otherwise, fail or refuse to give effect to, prevent, prohibit, or penalize, or attempt to refuse to give effect to, prevent, prohibit, or penalize, any motor vehicle dealer or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest therein from selling, assigning, transferring, alienating, or otherwise disposing of, in whole or in part, the equity interest of any of them in such motor vehicle dealer to any other person or persons, including a corporation established or existing for the purpose of owning or holding the stock or ownership interests of other entities, unless the licensee proves at a hearing pursuant to this section that such sale, transfer, alienation, or other disposition is to a person who is not, or whose controlling executive management is not, of good moral character. A motor vehicle dealer, or any proprietor, partner,

stockholder, owner, or other person who holds or otherwise owns an interest in the motor vehicle dealer, who desires to sell, assign, transfer, alienate, or otherwise dispose of any interest in such motor vehicle dealer shall notify, or cause the proposed transferee to so notify, the licensee, in writing, of the identity and address of the proposed transferee. A licensee who receives such notice may, within 60 days following such receipt, notify the motor vehicle dealer in writing file with the department a verified complaint for a determination that the proposed transferee is not a person qualified to be a transferee under this section and setting forth the material reasons for such rejection. Failure of the licensee to notify the motor vehicle dealer within the 60-day period of such rejection shall be deemed an approval of the transfer. Any person whose proposed sale of stock is rejected may file within 60 days of receipt of such rejection a complaint with the Department alleging that the rejection was in violation of the law or the franchise agreement. The licensee has the burden of proof with respect to all issues raised by such verified complaint. The department shall determine, and enter an order providing, that the proposed transferee either is qualified or is not and cannot be qualified for specified reasons; or the order may provide the conditions under which a proposed transferee would be qualified. If the licensee fails to file a response to the motor vehicle dealer's complaint within 30 days of receipt of the complaint, unless the parties agree in writing to an extension, or if the licensee fails to file such verified complaint within such 60 day period or if the department, after a hearing, dismisses the complaint or renders a decision on the complaint other than one disqualifying the proposed transferee, the transfer shall be deemed approved franchise agreement between the motor vehicle dealer and the licensee shall be deemed amended to incorporate such transfer or amended in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.

(b) During the pendency of any such hearing, the franchise agreement of the motor vehicle dealer shall continue in effect in accordance with its terms. The department shall expedite any determination requested under this section.

(3) Notwithstanding the terms of any franchise agreement, the acceptance by the licensee of the proposed transferee shall not be unreasonably withheld. For the purposes of this section, the refusal by the licensee to accept a proposed transferee who satisfies the criteria set forth in subsection (1) or (2) is presumed to be unreasonable.

Section 24. Section 320.645, Florida Statutes, is amended to read:

320.645 Restriction upon ownership of dealership by licensee.—

(1) No licensee, including a distributor, manufacturer, or agent of a manufacturer or distributor, or any parent, subsidiary, common entity, or officer or representative of the licensee shall own or operate, either directly or indirectly, a motor vehicle dealership in this state for the sale or service of motor vehicles which have been or are offered for sale under a franchise agreement with a motor vehicle dealer in this state. A licensee may not be issued a motor vehicle dealer license pursuant to s. 320.27. However, no such licensee will be deemed to be in violation of this section:

(a) When operating a motor vehicle dealership for a temporary period, not to exceed 1 year, during the transition from one owner of the motor vehicle dealership to another;

(b) When operating a motor vehicle dealership temporarily for a reasonable period for the exclusive purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group that has historically been underrepresented in its dealer body, or for other qualified persons who the licensee deems lack the resources to purchase or capitalize the dealership outright, not to exceed 1 year, or in a bona fide relationship with an independent person, other than a licensee or its agent or affiliate, who has made a significant investment that is subject to loss in the dealership within the dealership's first year of operation and who can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions; or

(c) If the department determines, after a hearing on the matter, pursuant to chapter 120, at the request of any person, that there is no

independent person available in the community or territory to own and operate the motor vehicle dealership in a manner consistent with the public interest.

In any such case, the licensee must continue to make the motor vehicle dealership available for sale to an independent person at a fair and reasonable price. Approval of the sale of such a motor vehicle dealership to a proposed motor vehicle dealer shall not be unreasonably withheld.

(2) *As used in this section, the term:*

(a) *“Independent person” is a person who is not an officer, director, or employee of the licensee.*

(b) *“Reasonable terms and conditions” requires that profits from the dealership are reasonably expected to be sufficient to allow full ownership of the dealership by the independent person within a reasonable time period not to exceed 10 years, which time period may be extended if there is a reasonable basis to do so and is not being sought to evade the purpose of this section; that the independent person has sufficient control to permit acquisition of ownership; and that the relationship cannot be terminated solely to avoid full ownership. The terms and conditions are not reasonable if they preclude the independent person from an expedited purchase of the dealership using a monetary source other than profits from the dealership’s operation; provided, however, that the independent person must pay or make an agreement to pay to the licensee any and all reasonable prepayment charges and costs, including all unrecouped restored losses, associated with the expedited purchase of the dealership. For the purpose of this section, unrecouped restored losses are monies that the manufacturer has provided to the dealership to restore losses of the dealership that the manufacturer has not been paid back through profits of the dealership.*

(c) *“Significant investment” means a reasonable amount, considering the reasonable capital requirements of the dealership, acquired and obtained from sources other than the licensee or any of its affiliates and not encumbered by the person’s interest in the dealership.*

(3) *Nothing in this section shall prohibit, limit, restrict, or impose conditions on:*

(a) *The business activities, including, without limitation, the dealings with motor vehicle manufacturers and their representatives and affiliates, of any person that is primarily engaged in the business of short term not to exceed 12 months rental of motor vehicles and industrial and construction equipment and activities incidental to that business, provided that:*

1. *Any motor vehicles sold by such person are limited to used motor vehicles that have been previously used exclusively and regularly by such person in the conduct of its rental business and used motor vehicles traded in on motor vehicles sold by such person;*

2. *Warranty repairs performed under any manufacturer’s new vehicle warranty by such person on motor vehicles are limited to those motor vehicles that it owns. As to previously owned vehicles, warranty repairs can be performed only if pursuant to a motor vehicle service agreement as defined in chapter 634, part I, issued by such person or an express warranty issued by such person on the retail sale of those vehicles previously owned; and*

3. *Motor vehicle financing provided by such person to retail consumers for motor vehicles is limited to used motor vehicles sold by such person in the conduct of its business; or*

(b) *The direct or indirect ownership, affiliation or control of a person described in paragraph (a) of this subsection.*

(4) *Nothing in this section shall prohibit a licensee-distributor as defined in section 320.60(5) that is not a manufacturer, a division of a manufacturer, an entity that is controlled by a manufacturer, or a common entity of a manufacturer, and that is not owned, in whole or in part, directly or indirectly, by a manufacturer, as defined in section 320.60(9), and that has owned and operated a motor vehicle dealer in this state on or before July 1, 1996, other than a motor vehicle dealer permitted by section 320.645(1)(b), from receiving a license as defined in*

section 320.27 while owning and operating a motor vehicle dealership that sells or services motor vehicles other than any line-make of motor vehicles distributed by the licensee-distributor.

~~(2) This section shall not be construed to prohibit any licensee from owning or operating a motor vehicle dealership in this state if such dealership was owned or operated by the licensee on May 31, 1984.~~

Section 25. Subsection (2) of section 320.699, Florida Statutes, is amended to read:

320.699 Administrative hearings and adjudications; procedure.—

(2) If a written objection or notice of protest is filed with the department under paragraph (1)(b), a hearing shall be held *not sooner than 180 days nor later than 240 days from within 180 days* of the date of filing of the first objection or notice of protest, unless the time is extended by the Administrative Law Judge for good cause shown. *This subsection shall govern the schedule of hearings in lieu of any other provision of law with respect to administrative hearings conducted by the Department of Highway Safety and Motor Vehicles or the Division of Administrative Hearings, including performance standards of state agencies, which may be included in current and future appropriations acts. hearing officer for good cause shown. If a hearing is not scheduled within said time, any party may request such hearing which shall be held forthwith by the hearing officer.*

Section 26. Section 320.6991, Florida Statutes, is created to read:

Section 320.6991 Severability.—If a provision of ss. 320.60-320.70 or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of ss. 320.60-320.70 that can be given effect without the invalid provision or application, and to this end the provisions of 320.60-320.70 are severable.

Section 27. Section 320.275, Florida Statutes, is created to read:

320.275 *Automobile Dealers Industry Advisory Board.—*

(1) *AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.—The Automobile Dealers Industry Advisory Board is created within the Department of Highway Safety and Motor Vehicles. The board shall make recommendations on proposed legislation, make recommendations on proposed rules and procedures, present licensed motor vehicle dealer industry issues to the department for its consideration, consider any matters relating to the motor vehicle dealer industry presented to it by the department, and submit an annual report to the Executive Director of the department and file copies with the Governor, President of the Senate, and the Speaker of the House of Representatives.*

(2) *MEMBERSHIP, TERMS, MEETINGS.—*

(a) *The board shall be composed of 12 members. The Executive Director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The Executive Director shall appoint one representative of the Department of Highway Safety and Motor Vehicles, who must represent the Division of Motor Vehicles; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended by the Florida Automobile Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida Tax Collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.*

(b)1. *The Executive Director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida Tax Collector, and one representative from the Better Business Bureau.*

2. *The Executive Director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the Division of Motor Vehicles.*

3. *As the initial terms expire, the Executive Director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.*

4. *The board shall appoint a chair and vice chair at its initial meeting and every 2 years thereafter.*

(c) *The board shall meet at least two times per year. Meetings may be called by the chair of the board or by the Executive Director of the department. One meeting shall be held in the fall of the year to review legislative proposals. The board shall conduct all meetings in accordance with applicable Florida Statutes and shall keep minutes of all meetings. Meetings may be held in locations around the state in department facilities or in other appropriate locations.*

(3) *PER DIEM, TRAVEL, AND STAFFING.—Members of the board from the private sector are not entitled to per diem or reimbursement for travel expenses. However, members of the board from the public sector are entitled to reimbursement, if any, from their respective agency. Members of the board may request assistance from the Department of Highway Safety and Motor Vehicles as necessary.*

Section 28. *Definitions.—As used in Section 29, the following terms shall have the following meaning:*

(1) *“Customer” includes a customer’s designated agent.*

(2) *“Dealer” means a motor vehicle dealer as defined in section 320.27, Florida Statutes, but does not include a motor vehicle auction as defined in section 320.27(1)(c)4., Florida Statutes.*

(3) *“Replacement item” means a tire, bumper, bumper fascia, glass, in-dash-board equipment, seat or upholstery cover or trim, exterior illumination unit, grill, sunroof, external mirror and external body cladding. The replacement of up to three of these items does not constitute repair of damage if each item is replaced because of a product defect or damaged due to vandalism while the new motor vehicle is under the control of the dealer and the items are replaced with original manufacturer equipment, unless an item is replaced due to a crash, collision, or accident.*

(4) *“Threshold amount” means 3 percent of the manufacturer’s suggested retail price of a motor vehicle or \$650, whichever is less.*

(5) *“Vehicle” means any automobile, truck, bus, recreational vehicle or motorcycle required to be licensed under chapter 320, Florida Statutes, for operation over the roads of Florida, but does not include trailers, mobile homes, travel trailers or trailer coaches without independent motive power.*

Section 29. *It is an unfair or deceptive act or practice, actionable under the Florida Deceptive and Unfair Trade Practices Act, for a dealer to:*

(1) *Represent directly or indirectly that a motor vehicle is a factory executive vehicle or executive vehicle unless such vehicle was purchased directly from the manufacturer or a subsidiary of the manufacturer and the vehicle was used exclusively by the manufacturer, its subsidiary, or a dealer for the commercial or personal use of the manufacturer’s, subsidiary’s, or dealer’s employees.*

(2) *Represent directly or indirectly that a vehicle is a demonstrator unless the vehicle was driven by prospective customers of a dealership selling the vehicle and such vehicle complies with the definition of a demonstrator in section 320.60(3), Florida Statutes.*

(3) *Represent the previous usage or status of a vehicle to be something that it was not, or make usage or status representations unless the dealer has correct information regarding the history of the vehicle to support the representations.*

(4) *Represent the quality of care, regularity of servicing, or general condition of a vehicle unless known by the dealer to be true and supportable by material fact.*

(5) *Represent orally or in writing that a particular vehicle has not sustained structural or substantial skin damage unless the statement is made in good faith and the vehicle has been inspected by the dealer or his agent to determine whether the vehicle has incurred such damage.*

(6) *Sell a vehicle without fully and conspicuously disclosing in writing at or before the consummation of sale any warranty or guarantee terms, obligations, or conditions that the dealer or manufacturer has given to the buyer. If the warranty obligations are to be shared by the dealer and the buyer, the method of determining the percentage of repair costs to be assumed by each party must be disclosed. If the dealer intends to disclaim or limit any expressed or implied warranty, the disclaimer must be in writing in a conspicuous manner and in layman’s terms in accordance with chapter 672, Florida Statutes, and the Magnuson-Moss Warranty - Federal Trade Commission Improvement Act.*

(7) *Provide an express or implied warranty and fail to honor such warranty unless properly disclaimed pursuant to subsection (6).*

(8) *Misrepresent warranty coverage, application period, or any warranty transfer cost or conditions to a customer.*

(9) *Obtain signatures from a customer on contracts that are not fully completed at the time the customer signs or which do not reflect accurately the negotiations and agreement between the customer and the dealer.*

(10) *Require or accept a deposit from a prospective customer prior to entering into a binding contract for the purchase and sale of a vehicle unless the customer is given a written receipt that states how long the dealer will hold the vehicle from other sale and the amount of the deposit, and clearly and conspicuously states whether and upon what conditions the deposit is refundable or nonrefundable.*

(11) *Add to the cash price of a vehicle as defined in section 520.02(2), Florida Statutes, any fee or charge other than those provided in that section and in Rule 3D-50.001, Florida Administrative Code. All fees or charges permitted to be added to the cash price by Rule 3D-50.001, Florida Administrative Code, must be fully disclosed to customers in all binding contracts concerning the vehicle’s selling price.*

(12) *Alter or change the odometer mileage of a vehicle.*

(13) *Sell a vehicle without disclosing to the customer the actual year and model of the vehicle.*

(14) *File a lien against a new vehicle purchased with a check unless the dealer fully discloses to the purchaser that a lien will be filed if purchase is made by check and fully discloses to the buyer the procedures and cost to the buyer for gaining title to the vehicle after the lien is filed.*

(15) *Increase the price of the vehicle after having accepted an order of purchase or a contract from a buyer, notwithstanding subsequent receipt of an official price change notification. The price of a vehicle may be increased after a dealer accepts an order of purchase or a contract from a buyer if:*

(a) *A trade-in vehicle is reappraised because it subsequently is damaged, or parts or accessories are removed;*

(b) *The price increase is caused by the addition of new equipment, as required by state or federal law;*

(c) *The price increase is caused by the revaluation of the U.S. dollar by the Federal Government, in the case of a foreign-made vehicle;*

(d) *The price increase is caused by state or federal tax rate changes; or*

(e) *Price protection is not provided by the manufacturer, importer, or distributor.*

(16) *Advertise the price of a vehicle unless the vehicle is identified by year, make, model, and a commonly accepted trade, brand, or style name. The advertised price must include all fees or charges that the customer must pay, including freight or destination charge, dealer preparation charge, and charges for undercoating or rustproofing. State and local taxes, tags, registration fees, and title fees, unless otherwise required by local law or standard, need not be disclosed in the advertisement. When two or more dealers advertise jointly, with or without participation of the franchiser, the advertised price need not include fees and charges that are variable among the individual dealers cooperating in the advertisement, but the nature of all charges that are not included in the advertised price must be disclosed in the advertisement.*

(17) *Charge a customer for any pre-delivery service required by the manufacturer, distributor, or importer for which the dealer is reimbursed by the manufacturer, distributor, or importer.*

(18) *Charge a customer for any pre-delivery service without having printed on all documents that include a line item for pre-delivery service the following disclosure: "This charge represents costs and profit to the dealer for items such as inspecting, cleaning, and adjusting vehicles, and preparing documents related to the sale."*

(19) *Add an additional charge for pre-delivery service other than those shown on a conspicuous label attached to the window of the vehicle specifying any charges for pre-delivery services and describing the charges as pre-delivery services, delivery and handling, dealer preparation, or in similar terms the dealer's charge for each dealer-installed option, and a total price line.*

(20) *Fail to disclose damage to a new motor vehicle, as defined in subsection 319.001(4), Florida Statutes, of which the dealer had actual knowledge, if the dealer's actual cost of repairs exceeds the threshold amount, excluding replacement items.*

In any civil litigation resulting from a violation of this section, when evaluating the reasonableness of an award of attorney's fees to a private person, the trial court shall consider the amount of actual damages in relation to the time spent.

Section 30. Sections 28 and 29 shall be codified as part VI of chapter 501, and applies to any vehicle sold after October 1, 2001.

Section 31. Paragraph (n) of subsection (9) of section 320.27, Florida Statutes, is repealed.

Section 32. A new subsection (3) is added to section 520.12, Florida Statutes, to read:

(3) *Section 520.12(2) does not apply to any violation of the requirement in s. 520.07(1)(c) that the seller deliver or mail to the buyer a copy of the contract signed by the seller, if the seller delivered to the buyer at the time the buyer signed the contract an exact copy of the contract that the buyer signed.*

Section 33. Subsection (1) of section 681.1096, Florida Statutes, is amended to read:

681.1096 Pilot RV Mediation and Arbitration Program; creation and qualifications.—

(1) This section and s. 681.1097 shall apply to disputes determined eligible under this chapter involving recreational vehicles acquired on or after October 1, 1997, and shall remain in effect until September 30, 2002 ~~2001~~, at which time recreational vehicle disputes shall be subject to the provisions of ss. 681.109 and 681.1095. The Attorney General shall report ~~annually~~ to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the

Legislature, and appropriate legislative committees regarding the effectiveness ~~efficiency and cost-effectiveness~~ of the pilot program.

Section 34. Subsections (5) and (7) of section 681.1097, Florida Statutes, are amended to read:

681.1097 Pilot RV Mediation and Arbitration Program; dispute eligibility and program function.—

(5) If the mediation ends in an impasse, or if a manufacturer fails to comply with the settlement entered into between the parties, the program administrator shall schedule the dispute for an arbitration hearing. Arbitration proceedings shall be open to the public on reasonable and nondiscriminatory terms.

(a) The arbitration hearing shall be conducted by a single arbitrator assigned by the program administrator. The arbitrator shall not be the same person as the mediator who conducted the prior mediation conference in the dispute. The parties may factually object to an arbitrator based on the arbitrator's past or present relationship with a party or a party's attorney, direct or indirect, whether financial, professional, social, or of any other kind. The program administrator shall consider any such objection, determine its validity, and notify the parties of any determination. If the objection is determined valid, the program administrator shall assign another arbitrator to the case.

(b) The arbitrator may issue subpoenas for the attendance of witnesses and for the production of records, documents, and other evidence. Subpoenas so issued shall be served and, upon application to the court by a party to the arbitration, enforced in the manner provided by law for the service and enforcement of subpoenas in civil actions. Fees for attendance as a witness shall be the same as for a witness in the circuit court.

(c) At all program arbitration proceedings, the parties may present oral and written testimony, present witnesses and evidence relevant to the dispute, cross-examine witnesses, and be represented by counsel. The arbitrator shall record the arbitration hearing and shall have the power to administer oaths. The arbitrator may inspect the vehicle if requested by a party or if the arbitrator considers such inspection appropriate.

(d) The program arbitrator may continue a hearing on his or her own motion or upon the request of a party for good cause shown. A request for continuance by the consumer constitutes a waiver of the time period set forth in s. 681.1096(3)(k) for completion of all proceedings under the program.

(e) Where the arbitration is the result of a manufacturer's failure to perform in accordance with a ~~settlement~~ ~~mediation~~ agreement, any relief to the consumer granted by the arbitration will be no less than the relief agreed to by the manufacturer in the settlement agreement.

(f) The arbitrator shall grant relief if a reasonable number of attempts have been undertaken to correct a nonconformity or nonconformities.

(g) The program arbitrator shall render a decision within 10 days of the closing of the hearing. The decision shall be in writing on a form prescribed or approved by the department. The program administrator shall send a copy of the decision to the consumer and each involved manufacturer by registered mail. The program administrator shall also send a copy of the decision to the department within 5 days of mailing to the parties.

(h) A manufacturer shall comply with an arbitration decision within 40 days of the date the manufacturer receives the written decision. Compliance occurs on the date the consumer receives delivery of an acceptable replacement motor vehicle or the refund specified in the arbitration award. If a manufacturer fails to comply within the time required, the consumer must notify the program administrator in writing within 10 days. The program administrator shall notify the department of a manufacturer's failure to comply. The department shall have the authority to enforce compliance with arbitration decisions under this section in the same manner as is provided for enforcement of compliance with board decisions under s. 681.1095(10). In any civil

action arising under this chapter and relating to a dispute arbitrated pursuant to this section, the decision of the arbitrator is admissible in evidence.

(i) *Either party may request that the program arbitrator make a technical correction to the decision by filing a written request with the program administrator within 10 days after receipt of the written decision. Technical corrections shall be limited to computational errors, correction of a party's name or information regarding the recreational vehicle, and typographical or spelling errors. Technical correction of a decision shall not toll the time for filing an appeal or for manufacturer compliance.*

~~(7) A decision of the arbitrator is binding unless appealed by either party by filing a petition with the circuit court within the time and in the manner prescribed by s. 681.1095(10) and (12). Section 681.1095(13) and (14) apply to appeals filed under this section. Either party may make application to the circuit court for the county in which one of the parties resides or has a place of business or, if neither party resides or has a place of business in this state, the county where the arbitration hearing was held, for an order confirming, vacating, modifying, or correcting any award, in accordance with the provisions of this section and ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such application must be filed within 30 days of the moving party's receipt of the written decision or the decision becomes final. Upon filing such application, the moving party shall mail a copy to the department and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the department. A review of such application by the circuit court shall be confined to the record of the proceedings before the program arbitrator. The court shall conduct a de novo review of the questions of law raised in the application. In addition to the grounds set forth in ss. 682.13 and 682.14, the court shall consider questions of fact raised in the application. In reviewing questions of fact, the court shall uphold the award unless it determines that the factual findings of the arbitrator are not supported by substantial evidence in the record and that the substantial rights of the moving party have been prejudiced. If the arbitrator fails to state findings or reasons for the stated award, or the findings or reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the award. The court shall expedite consideration of any application filed under this section on the calendar.~~

~~(a) If a decision of a program arbitrator in favor of a consumer is confirmed by the court, recovery by the consumer shall include the pecuniary value of the award, attorney's fees incurred in obtaining confirmation of the award, and all costs and continuing damages in the amount of \$25 per day for each day beyond the 40-day period following a manufacturer's receipt of the arbitrator's decision. If a court determines the manufacturer acted in bad faith in bringing the appeal or brought the appeal solely for the purpose of harassment, or in complete absence of a justiciable issue of law or fact, the court shall double, and may triple, the amount of the total award.~~

~~(b) An appeal of a judgment or order by the court confirming, denying confirmation, modifying or correcting, or vacating the award may be taken in the manner and to the same extent as from orders or judgments in a civil action.~~

Section 35. Section 681.115, Florida Statutes, is amended to read:

681.115 Certain agreements void.—Any agreement entered into by a consumer that waives, limits, or disclaims the rights set forth in this chapter, or that requires a consumer not to disclose the terms of such agreement as a condition thereof, is void as contrary to public policy. The rights set forth in this chapter shall extend to a subsequent transferee of such motor vehicle.

Section 36. Subsections (4) and (6) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and documented vessels.—

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a

vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

~~(b) Whenever any law enforcement agency authorizes the removal of a vehicle or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle, and whether any person has filed a lien upon the vehicle as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.~~

~~(c)(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold after 35 days free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age and after 50 days if the vehicle or vessel is 3 years of age or less.~~

~~(d)(e) If attempts to locate the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph and, subsection (9), and s. 715.05, "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:~~

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age and after 50 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less*. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

Section 37. *Section 715.05, Florida Statutes, is repealed.*

Section 38. Subsection (10) 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.

(10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT OF ANOTHER STATE.—The tax collected on the sale of a new or used motor vehicle in this state to a resident of another state shall be an amount equal to the sales tax which would be imposed on such sale under the laws of the state of which the purchaser is a resident, except that such tax shall not exceed the tax that would otherwise be imposed under this chapter. At the time of the sale, the purchaser shall execute a notarized statement of his or her intent to license the vehicle in the state of which the purchaser is a resident within 45 days of the sale and of the fact of the payment to the State of Florida of a sales tax in an amount equivalent to the sales tax of his or her state of residence and shall submit the statement to the appropriate sales tax collection agency in his or her state of residence. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to license the vehicle in the purchaser's home state if the purchaser licenses the vehicle in his or her home state within 45 days after the date of sale. *Nothing herein shall require the payment of tax to the State of Florida for assessments*

made prior to July 1, 2001, if the tax imposed by this section has been paid to the state in which the vehicle was licensed and the department has assessed a like amount of tax on the same transactions. This provision shall apply retroactively to assessments that have been protested prior to August 1, 1999, and have not been paid on the date this act takes effect.

Section 39. Subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The "travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The "camping trailer," which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The "truck camper," which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The "motor home," which is a vehicular unit which does not exceed ~~the 40 feet in length, and the height, and the width~~ limitations provided in s. 316.515, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The "private motor coach," which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The "van conversion," which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The "park trailer," which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the

drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The “fifth-wheel trailer,” which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle.

Section 40. Paragraph (c) of subsection (1) of section 320.27, Florida Statutes, is amended, paragraph (f) is added to said subsection, and subsections (7) and (9) of said section are amended, to read:

320.27 Motor vehicle dealers.—

(1) **DEFINITIONS.**—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) “Motor vehicle dealer” means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. 320.60(1). Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms “selling” and “sale” include lease-purchase transactions. A motor vehicle dealer may, at retail or wholesale, sell a recreational vehicle as described in s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of a motor vehicle, provided such acquisition is incidental to the principal business of being a motor vehicle dealer. However, a motor vehicle dealer may not buy a recreational vehicle for the purpose of resale unless licensed as a recreational vehicle dealer pursuant to s. 320.771. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), (c), and (d), using a manufacturer’s statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. “Franchised motor vehicle dealer” means any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. “Independent motor vehicle dealer” means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.

3. “Wholesale motor vehicle dealer” means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. “Motor vehicle auction” means any person offering motor vehicles or recreational vehicles for sale to the highest bidder where ~~both sellers~~

~~and~~ buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. “Salvage motor vehicle dealer” means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

The term “motor vehicle dealer” does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted. A manufacturer of fire trucks, ambulances, or school buses may sell such vehicles directly to governmental agencies or to persons who contract to perform or provide firefighting, ambulance, or school transportation services exclusively to governmental agencies without processing such sales through dealers if such fire trucks, ambulances, school buses, or similar vehicles are not presently available through motor vehicle dealers licensed by the department.

(f) “*Bona fide employee*” means a person who is employed by a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form W-2, or an independent contractor who has a written contract with a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form 1099, for the purpose of acting in the capacity of or conducting motor vehicle sales transactions as a motor vehicle dealer.

(7) **CERTIFICATE OF TITLE REQUIRED.**—For each used motor vehicle in the possession of a licensee and offered for sale by him or her, the licensee either shall have in his or her possession *or control* a duly assigned certificate of title from the owner in accordance with the provisions of chapter 319, from the time when the motor vehicle is delivered to the licensee and offered for sale by him or her until it has been disposed of by the licensee, or shall have reasonable indicia of ownership or right of possession, or shall have made proper application for a certificate of title or duplicate certificate of title in accordance with the provisions of chapter 319. A motor vehicle dealer may not sell or offer for sale a vehicle in his or her possession unless the dealer satisfies the requirements of this subsection. Reasonable indicia of ownership shall include a duly assigned certificate of title; in the case of a new motor vehicle, a manufacturer’s certificate of origin issued to or reassigned to the dealer; a consignment contract between the owner and the dealer along with a secure power of attorney from the owner to the dealer authorizing the dealer to apply for a duplicate certificate of title and assign the title on behalf of the owner; a court order awarding title to the vehicle to the dealer; a salvage certificate of title; a photocopy of a duly assigned certificate of title being held by a financial institution as collateral for a business loan of money to the dealer (“floor plan”); a copy of a canceled check or other documentation evidencing that an outstanding lien on a vehicle taken in trade by a licensed dealer has been satisfied and that the certificate of title will be, but has not yet been, received by the dealer; a vehicle purchase order or installment contract for a specific vehicle identifying that vehicle as a trade-in on a replacement vehicle; or a duly executed odometer disclosure statement as required by Title IV of the Motor Vehicle Information and Cost Savings Act of 1972 (Pub. L. No. 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No. 100-561) and by 49 C.F.R. part 580 bearing the signatures of the titled owners of a traded-in vehicle.

Section 41. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-17
remove from the title of the bill:

and insert in lieu thereof: An act relating to motor vehicles; amending s. 316.1951, F.S.; revising provisions related to parking vehicles to display for sale; amending s. 316.1967, F.S.; authorizing counties to establish fine amounts for parking violations; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag; amending s. 318.18, F.S.; authorizing counties to establish fine amounts for parking violations; amending s. 319.23, F.S.; providing a limitation on the issuance of certain titles; amending s. 320.023, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.08056, F.S.; including two more colleges to the discontinuance exemptions provided for collegiate speciality license plates; providing for annual renewals in the discontinuance threshold amount; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.18, F.S.; providing for cancellation of license plates and fuel use tax decals for failure to pay motor carrier weight and safety violation penalties; amending s. 322.05, F.S.; correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver's license; amending s. 322.081, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary contribution on a motor vehicle registration to register with the Department of Agriculture and Consumer Services; amending s. 322.161, F.S.; requiring restricted driving privileges after the accumulation of 6 points within a 12-month period; creating s. 322.222, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to hold a hearing when an individual's driver's license has been suspended or revoked due to medical reasons; amending s. 322.2615, F.S.; complying with the USDOT's drunk driving prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license is charged with an unlawful blood-alcohol level; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 320.60, F.S.; revising definitions used in ss. 320.61-320.70, F.S.; amending s. 320.61, F.S.; amending procedures to be followed when a complaint of unfair cancellation of a dealer agreement has been made by a motor vehicle dealer against a licensee; defining the term "final decision"; amending s. 320.64, F.S.; providing penalties and remedies for violations; deleting subsections (13) and (16); amending subsection (18); creating subsections (22) through (32) and renumbering sections; amending s. 320.641, F.S.; providing procedures relating to discontinuations, cancellations, nonrenewals, modifications, and replacements of franchise agreements; amending s. 320.643, F.S.; amending provisions relating to the transfer, assignment, or sale of franchise agreements; amending s. 320.645, F.S.; amending provisions relating to restrictions upon a licensee's owning a dealership; providing for "dealer development arrangements"; providing exceptions; amending s. 320.699, F.S.; amending procedures for administrative hearings; creating s. 320.6991; providing for severability; creating 320.275, F.S.; creating the Automobile Dealers Industry Advisory Board; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; providing for codification in part VI of chapter 501 and application of new act to vehicles sold after October 1, 2001; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser;

amending s. 520.12, F.S.; clarifying penalties application to particular circumstances; amending ss. 681.1096 and 681.1097, F.S.; revising program requirements for the Pilot RV Mediation and Arbitration program; amending s. 681.115, F.S.; providing that an agreement that prohibits disclosure of its terms is void; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; providing storage periods before the expiration of which certain salvaged vehicles may not be sold; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending s. 212.08, F.S.; providing additional requirements on vehicle tax assessments; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in chapter 316, F.S.; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a license to have the certificate of title or ownership indicia in his or her possession at an auction; providing for an effective date.

Rep. Bense moved the adoption of the amendment, which was adopted.

On motion by Rep. Bense, the rules were waived and CS for SB 1956, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 458

Yeas—118

The Chair	Crow	Hogan	Paul
Alexander	Cusack	Holloway	Peterman
Allen	Davis	Jennings	Pickens
Andrews	Detert	Johnson	Prieguez
Argenziano	Diaz de la Portilla	Jordan	Rich
Arza	Diaz-Balart	Joyner	Richardson
Atwater	Dockery	Justice	Ritter
Ausley	Farkas	Kallinger	Romeo
Baker	Fasano	Kendrick	Ross
Ball	Feeney	Kilmer	Rubio
Barreiro	Fields	Kosmas	Russell
Baxley	Fiorentino	Kottkamp	Ryan
Bean	Flanagan	Kravitz	Seiler
Bendross-Mindingall	Frankel	Kyle	Simmons
Bennett	Gannon	Lacasa	Siplin
Bense	Garcia	Lee	Slosberg
Benson	Gardiner	Lerner	Smith
Berfield	Gelber	Littlefield	Sobel
Betancourt	Gibson	Lynn	Sorensen
Bilirakis	Goodlette	Machek	Spratt
Bowen	Gottlieb	Mack	Stansel
Brown	Green	Mahon	Trovillion
Brummer	Greenstein	Mayfield	Wallace
Brutus	Haridopolos	McGriff	Waters
Bucher	Harper	Meadows	Weissman
Bullard	Harrell	Mealor	Wiles
Byrd	Harrington	Melvin	Wilson
Cantens	Hart	Miller	Wishner
Carassas	Henriquez	Murman	
Clarke	Heyman	Needelman	

Nays—None

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 772, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Children and Families and Senator Sanderson—

CS for SB 772—A bill to be entitled An act relating to public records; providing an exemption from the public-records requirements for

information in the possession of a non-Title IV-D county child-support-enforcement agency which reveals the identity of applicants for and recipients of child-support services; providing exceptions; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

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

Representative(s) Lynn offered the following:

(Amendment Bar Code: 144663)

Amendment 1 (with title amendment)—On page 4, line 15, remove from the bill: all of said line

and insert in lieu thereof:

Section 3. (1) *All information contained in the Paternity Registry created by section 63.165, Florida Statutes, is exempt from public disclosure pursuant to section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution, except that certificates attesting to the results of a search of the Paternity Registry pursuant to section 63.165(8), Florida Statutes, may be disclosed as provided in section 63.165(8), Florida Statutes. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

(2) This section shall take effect on the same date that Committee Substitute for House Bill 415 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 4. (1) *The Legislature finds that it is a public necessity to exempt from disclosure pursuant to section 119.07(1), Florida Statutes, and Section 24 of Article I of the State Constitution all information contained in the Paternity Registry created by section 63.165, Florida Statutes. The Legislature finds that it is good public policy to encourage putative fathers to grasp both the responsibility and the opportunity to be made legally aware of petitions and hearings to terminate their parental rights pending an adoption. The Legislature also finds that by providing legal notice to putative fathers, adoptions will be less likely to be legally disrupted. The Legislature further finds that the information required by the Paternity Registry reveals the existence of intimate sexual relations. Disclosure of this information would likely have a chilling effect on the likelihood that putative fathers will register. Therefore, the Legislature finds that any benefit that could occur from public disclosure of the information in the Paternity Registry is outweighed by the necessity to ensure the due process rights of putative fathers.*

(2) This section shall take effect on the same date that Committee Substitute for House Bill 415 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 5. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, lines 10 & 11, remove from the title of the bill: all of said lines

and insert in lieu thereof: finding of public necessity; providing an exemption from public records requirements for information contained in the Paternity Registry; providing for future legislative review and repeal; providing findings of public necessity; providing for contingent effect of certain provisions; providing effective dates.

Rep. Lynn moved the adoption of the amendment.

Further consideration of **CS for SB 772**, with pending amendment, was temporarily postponed under Rule 11.10

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 2156 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Health, Aging and Long-Term Care and Senator Klein—

CS for CS for SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term “end-stage condition”; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

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

Representative(s) Mealor offered the following:

(Amendment Bar Code: 491499)

Amendment 1 (with title amendment)—On page 6, between lines 6 and 7,

insert:

Section 5. Subsection (2) of section 765.1103, Florida Statutes, is amended to read:

765.1103 Pain management and palliative care.—

(2) ~~Health care providers and practitioners regulated under chapter 458, chapter 459, or chapter 464 must, as appropriate, comply with a request for pain management or palliative care from a patient under their care or, for an incapacitated patient under their care, from a surrogate, proxy, guardian, or other representative permitted to make health care decisions for the incapacitated patient. Facilities regulated under chapter 400 or chapter 395 must comply with the pain management or palliative care measures ordered by the patient's physician. When the patient is receiving care as an admitted patient of a facility or a provider or is a subscriber of a health care facility, health care provider, or health care practitioner regulated under chapter 395, chapter 400, chapter 458, chapter 459, chapter 464, or chapter 641, such facility, provider, or practitioner must, when appropriate, comply with a request for pain management or palliative care from a capacitated patient or an incapacitated patient's health care surrogate or proxy, court-appointed guardian as provided in chapter 744, or attorney in fact as provided in chapter 709. The court-appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.~~

And the title is amended as follows:

On page 1, line 15,

after the semicolon insert: amending s. 765.1103, F.S.; directing certain health care providers and practitioners to comply with a request for pain management or palliative care from a patient under certain circumstances;

Rep. Mealor moved the adoption of the amendment, which was adopted.

On motion by Rep. Mealor, the rules were waived and CS for CS for SB 2156, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 459

Yeas—119

The Chair	Clarke	Hogan	Negron
Alexander	Crow	Holloway	Paul
Allen	Cusack	Jennings	Peterman
Andrews	Davis	Johnson	Pickens
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Feeney	Kosmas	Rubio
Barreiro	Fields	Kottkamp	Russell
Baxley	Fiorentino	Kravitz	Ryan
Bean	Flanagan	Kyle	Seiler
Bendross-Mindingall	Frankel	Lacasa	Simmons
Bennett	Gannon	Lee	Siplin
Bense	Garcia	Lerner	Slosberg
Benson	Gardiner	Littlefield	Smith
Berfield	Gelber	Lynn	Sobel
Betancourt	Gibson	Machek	Sorensen
Bilirakis	Goodlette	Mack	Spratt
Bowen	Gottlieb	Mahon	Stansel
Brown	Green	Mayfield	Trovillion
Brummer	Greenstein	McGriff	Wallace
Brutus	Haridopolos	Meadows	Waters
Bucher	Harper	Mealor	Weissman
Bullard	Harrell	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	

Nays—None

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 2 and House Amendment 3; has refused to concur in House Amendment 1 and requests the House to recede; and passed SB 1200, as amended.

Faye W. Blanton, Secretary

SB 1200—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk-management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk-management and quality-assurance committees in nursing homes and assisted living facilities; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

(House Amendment 1 attached to original bill and shown in the *Journal* on page 1483, May 1.)

On motion by Rep. Green, the House receded from House Amendment 1. The question recurred on the passage of SB 1200. The vote was:

Session Vote Sequence: 460

Yeas—99

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Baker	Diaz de la Portilla	Jennings	Negron
Ball	Diaz-Balart	Johnson	Paul
Barreiro	Dockery	Jordan	Pickens
Baxley	Farkas	Joyner	Prieguez
Bean	Fasano	Kallinger	Richardson
Bendross-Mindingall	Feeney	Kendrick	Ritter
Bennett	Fiorentino	Kilmer	Ross
Bense	Flanagan	Kosmas	Rubio
Benson	Garcia	Kottkamp	Russell
Berfield	Gardiner	Kravitz	Ryan
Betancourt	Gelber	Kyle	Simmons
Bilirakis	Gibson	Lacasa	Siplin
Bowen	Goodlette	Littlefield	Slosberg
Brown	Green	Lynn	Sorensen
Brummer	Greenstein	Machek	Spratt
Brutus	Haridopolos	Mack	Stansel
Byrd	Harrell	Mahon	Trovillion
Cantens	Harrington	Mayfield	Wallace
Carassas	Hart	Mealor	Waters
Clarke	Henriquez	Melvin	Weissman
Crow	Heyman	Miller	Wiles
Davis	Hogan	Murman	Wishner
Detert	Holloway	Needelman	

Nays—21

Ausley	Gannon	McGriff	Smith
Bucher	Gottlieb	Meadows	Sobel
Bullard	Harper	Peterman	Wilson
Cusack	Justice	Rich	
Fields	Lee	Romeo	
Frankel	Lerner	Seiler	

Votes after roll call:

Yeas to Nays—Carassas, Gelber, Heyman, Joyner
Nays to Yeas—Seiler

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 1030.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1030, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Natural Resources and Senator Bronson—

CS for SB 1030—A bill to be entitled An act relating to water resources; amending s. 403.852, F.S.; redefining the terms “public water system,” “noncommunity water system,” “nontransient noncommunity water system,” and “transient noncommunity water system”; amending s. 403.853, F.S.; requiring the Department of Environmental Protection to adopt primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems; providing that certified operators are not required for certain transient noncommunity water systems; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to nonprofit transient noncommunity water systems; amending s. 403.854, F.S.; requiring the Department of Environmental Protection to waive on a case-by-case basis certain disinfection and operator requirements applicable to transient noncommunity water systems; amending s. 403.589, F.S.; providing that it is a violation for failure to comply with certain permit requirements; amending s. 403.861, F.S.; authorizing the Department of Environmental Protection to issue permits for altering or extending a public water system based on the size of the system under certain circumstances; requiring suppliers of water to submit periodic operating reports and testing data which may include certain raw water data; amending s. 403.865, F.S.; providing a legislative finding that the

operation of water and wastewater treatment systems must be operated by qualified personnel; amending s. 403.866, F.S.; redefining the terms “operator” and “water distribution system”; amending s. 403.867, F.S.; requiring water distribution system operators to be licensed; amending s. 403.871, F.S.; requiring the Department of Environmental Protection to establish certain fees sufficient to cover the entire cost of administering ss. 403.865-403.876, F.S., relating to water and wastewater operator certification; amending s. 403.872, F.S.; requiring any person to be licensed as a water distribution system operator to take the licensure examination; amending s. 403.875, F.S.; prohibiting any person from performing the duties of an operator of a water distribution system unless licensed; amending s. 403.88, F.S.; requiring the Department of Environmental Protection to classify water treatment plants and water distribution systems by size, complexity, and level of treatment necessary to render the source water suitable for its intended purpose; requiring the Department of Environmental Protection to establish the levels of certification and the staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators; providing a water treatment plant operator’s license is also valid as a water distribution system license of the same classification or lower; amending s. 403.1832, F.S.; conforming a cross-reference; amending s. 403.1835, F.S.; providing a definition of local governmental agencies; amending s. 373.323, F.S.; providing continuing education requirements for water well contractors; authorizing water well contractors to install and repair certain equipment on water systems; amending s. 373.324, F.S.; providing continuing education requirements for license renewal; repealing s. 403.1821, F.S., relating to the short title of the “Florida Water Pollution Control and Sewage Treatment Plant Grant Act”; repealing s. 403.1822, F.S., relating to definitions; repealing s. 403.1823, F.S., relating to rulemaking authority; repealing s. 403.1826, F.S., relating to grants and requirements for eligibility; repealing s. 403.1829, F.S., relating to funding project priorities; providing an effective date.

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

Session Vote Sequence: 461

Yeas—118

The Chair	Crow	Hogan	Paul
Alexander	Cusack	Holloway	Peterman
Allen	Davis	Jennings	Pickens
Andrews	Detert	Johnson	Prieguez
Arza	Diaz de la Portilla	Jordan	Rich
Attkisson	Diaz-Balart	Joyner	Richardson
Atwater	Dockery	Justice	Ritter
Ausley	Farkas	Kallinger	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Feeney	Kosmas	Rubio
Barreiro	Fields	Kottkamp	Russell
Baxley	Fiorentino	Kravitz	Ryan
Bean	Flanagan	Kyle	Seiler
Bendross-Mindingall	Frankel	Lacasa	Simmons
Bennett	Gannon	Lee	Siplin
Bense	Garcia	Lerner	Slosberg
Benson	Gardiner	Littlefield	Smith
Berfield	Gelber	Lynn	Sobel
Betancourt	Gibson	Machek	Sorensen
Bilirakis	Goodlette	Mack	Spratt
Bowen	Gottlieb	Mahon	Stansel
Brown	Green	Mayfield	Trovillion
Brummer	Greenstein	McGriff	Wallace
Brutus	Haridopolos	Meadows	Waters
Bucher	Harper	Mealor	Weissman
Bullard	Harrell	Melvin	Wiles
Byrd	Harrington	Miller	Wilson
Cantens	Hart	Murman	Wishner
Carassas	Henriquez	Needelman	
Clarke	Heyman	Negron	

Nays—1

Argenziano

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1132, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Brown-Waite—

SB 1132—A bill to be entitled An act relating to the use and disposition of real and personal property; amending s. 125.35, F.S.; providing an alternative procedure for the sale or disposition of certain property by boards of county commissioners; amending ss. 125.568, 166.048, 255.259, 335.167, 373.185, F.S.; redefining the term “Xeriscape”; prohibiting certain restrictions on the practice of Xeriscape; amending s. 373.62, F.S.; providing for the operation and maintenance of rain sensor devices; amending s. 720.3075, F.S.; prohibiting homeowners’ associations from restricting the practice of Xeriscape; amending s. 197.502, F.S.; amending procedures that apply if there are no bidders at a public sale of property against which tax certificates are held; prescribing the period during which interest on the opening bid continues to accrue; amending s. 197.512, F.S.; providing an exception to certain recording duties of the clerk; amending s. 197.542, F.S.; revising procedures relating to the sale at public auction of lands on which an application for tax deed has been obtained; requiring the high bidder to post a nonrefundable cash deposit at the time of the sale; amending s. 129.06, F.S.; providing a procedure by which counties may amend a prior year’s budget; amending s. 125.0108, F.S.; providing that the tourist impact tax that is authorized to be levied in an area of critical state concern in certain counties may be levied throughout the entire county, subject to referendum approval, if the area of critical state concern is greater than 50 percent of the area of the county; amending s. 125.0104, F.S.; authorizing certain counties to continue using a tourist development tax after retirement of applicable bonds under certain circumstances; creating s. 166.0415, F.S.; allowing municipalities to adopt certain laws, ordinances, rules, or other measures for increasing the supply of affordable housing; creating s. 125.01055, F.S.; allowing counties to adopt certain laws, ordinances, rules, or other measures for increasing the supply of affordable housing; providing effective dates.

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

Session Vote Sequence: 462

Yeas—120

The Chair	Betancourt	Farkas	Harrington
Alexander	Bilirakis	Fasano	Hart
Allen	Bowen	Feeney	Henriquez
Andrews	Brown	Fields	Heyman
Argenziano	Brummer	Fiorentino	Hogan
Arza	Brutus	Flanagan	Holloway
Attkisson	Bucher	Frankel	Jennings
Atwater	Bullard	Gannon	Johnson
Ausley	Byrd	Garcia	Jordan
Baker	Cantens	Gardiner	Joyner
Ball	Carassas	Gelber	Justice
Barreiro	Clarke	Gibson	Kallinger
Baxley	Crow	Goodlette	Kendrick
Bean	Cusack	Gottlieb	Kilmer
Bendross-Mindingall	Davis	Green	Kosmas
Bennett	Detert	Greenstein	Kottkamp
Bense	Diaz de la Portilla	Haridopolos	Kravitz
Benson	Diaz-Balart	Harper	Kyle
Berfield	Dockery	Harrell	Lacasa

Lee	Melvin	Ritter	Sobel
Lerner	Miller	Romeo	Sorensen
Littlefield	Murman	Ross	Spratt
Lynn	Needelman	Rubio	Stansel
Machek	Negron	Russell	Trovillion
Mack	Paul	Ryan	Wallace
Mahon	Peterman	Seiler	Waters
Mayfield	Pickens	Simmons	Weissman
McGriff	Prieguez	Siplin	Wiles
Meadows	Rich	Slosberg	Wilson
Mealor	Richardson	Smith	Wishner

Nays—None

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1318 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senator Saunders—

CS for SB 1318—A bill to be entitled An act relating to correctional facilities; creating s. 784.074, F.S.; providing penalties for an assault or battery upon specified facility staff; creating s. 784.078, F.S.; defining the terms “facility” and “employee”; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee or any unincarcerated person lawfully present in a correctional facility, for testing of such persons and any inmate who may have transmitted a communicable disease to such persons; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to adopt rules; amending s. 806.13, F.S.; providing a penalty for damaging specified detention or commitment facilities; providing an effective date.

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

Session Vote Sequence: 463

Yeas—119

Alexander	Betancourt	Dockery	Harper
Allen	Bilirakis	Farkas	Harrell
Andrews	Bowen	Fasano	Harrington
Argenziano	Brown	Feeney	Hart
Arza	Brummer	Fields	Henriquez
Attkisson	Brutus	Fiorentino	Heyman
Atwater	Bucher	Flanagan	Hogan
Ausley	Bullard	Frankel	Holloway
Baker	Byrd	Gannon	Jennings
Ball	Cantens	Garcia	Johnson
Barreiro	Carassas	Gardiner	Jordan
Baxley	Clarke	Gelber	Joyner
Bean	Crow	Gibson	Justice
Bendross-Mindingall	Cusack	Goodlette	Kallinger
Bennett	Davis	Gottlieb	Kendrick
Bense	Detert	Green	Kilmer
Benson	Diaz de la Portilla	Greenstein	Kosmas
Berfield	Diaz-Balart	Haridopolos	Kottkamp

Kravitz	Meadows	Richardson	Sobel
Kyle	Mealor	Ritter	Sorensen
Lacasa	Melvin	Romeo	Spratt
Lee	Miller	Ross	Stansel
Lerner	Murman	Rubio	Trovillion
Littlefield	Needelman	Russell	Wallace
Lynn	Negron	Ryan	Waters
Machek	Paul	Seiler	Weissman
Mack	Peterman	Simmons	Wiles
Mahon	Pickens	Siplin	Wilson
Mayfield	Prieguez	Slosberg	Wishner
McGriff	Rich	Smith	

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 772.

CS for SB 772—A bill to be entitled An act relating to public records; providing an exemption from the public-records requirements for information in the possession of a non-Title IV-D county child-support-enforcement agency which reveals the identity of applicants for and recipients of child-support services; providing exceptions; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Lynn to adopt Amendment 1.

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

On motion by Rep. Mack, the rules were waived and CS for SB 772 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 464

Yeas—119

The Chair	Crow	Hogan	Negron
Alexander	Cusack	Holloway	Paul
Allen	Davis	Jennings	Peterman
Andrews	Detert	Johnson	Pickens
Argenziano	Diaz de la Portilla	Jordan	Prieguez
Arza	Diaz-Balart	Joyner	Rich
Attkisson	Dockery	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lacasa	Simmons
Bennett	Garcia	Lee	Siplin
Bense	Gardiner	Lerner	Slosberg
Benson	Gelber	Littlefield	Smith
Berfield	Gibson	Lynn	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Spratt
Bowen	Green	Mahon	Stansel
Brown	Greenstein	Mayfield	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Clarke	Heyman	Needelman	

Nays—1

Carassas

Votes after roll call:

Nays to Yeas—Carassas

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

THE SPEAKER IN THE CHAIR

On motion by Rep. Goodlette, the House moved to the consideration of HB 649 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

HB 649—A bill to be entitled An act relating to law enforcement officers' disabilities; amending s. 112.18, F.S.; including county and municipal law enforcement officers, correctional officers, and correctional probation officers within special provisions creating a presumption relating to causes of certain disabilities; providing a declaration of important state interest; providing an effective date.

—was read the third time by title.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 880283)

Amendment 2 (with title amendment)—On page 1, line 13, insert:

Section 1. Paragraph (b) of subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)

(b) Any retired member of the Florida Retirement System, or any existing system as defined in s. 121.021(2), who, on or after July 1, 1990, is serving in, or is elected or appointed to, an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). Pursuant thereto:

1. Any such retired member shall be eligible to continue to receive retirement benefits as well as compensation for the elected officer service for as long as he or she remains in an elective office covered by the Elected Officers' Class.

2. If any such member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she shall be entitled to receive an additional retirement benefit for such elected officer service.

3. Such member shall be entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class prior to July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position prior to July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

4. Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However,

service earned in accordance with the renewed membership provisions in s. 121.122 may be used in conjunction with creditable service earned under this paragraph, provided applicable vesting requirements and other existing statutory conditions required by this chapter are met.

5. Any elected officer who is a participating member of DROP may terminate participation at any time during the 60-month DROP participation period and elect to enroll in the appropriate subclass of the Elected Officers' Class, including participating in the Senior Management Service Class, effective the first day of the following month.

Section 2. Paragraph (b) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

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

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

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and

subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

d. An elected officer who is elected or appointed to an elective office is not subject to termination limitations as provided in chapter 121.

And the title is amended as follows:

On page 1, line 3, after "disabilities;"

insert: amending s. 121.053, F.S.; authorizing elected officers participating in DROP to terminate participation in DROP and enroll in a subclass of the Elected Officers' Class; amending s. 121.091, F.S.; increasing the time for participation in the Deferred Retirement Option Program for members of the elected officers class of the Florida Retirement System; providing that elected officers are not subject to termination limitations;

Rep. Cantens moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 649. The vote was:

Session Vote Sequence: 465

Yeas—117

The Chair	Bense	Cusack	Goodlette
Alexander	Benson	Sack	Gottlieb
Allen	Berfield	Detert	Green
Andrews	Betancourt	Diaz de la Portilla	Greenstein
Argenziano	Bilirakis	Diaz-Balart	Haridopolos
Arza	Bowen	Dockery	Harper
Attkisson	Brown	Farkas	Harrell
Atwater	Brummer	Fasano	Harrington
Ausley	Brutus	Fields	Hart
Baker	Bucher	Fiorentino	Henriquez
Ball	Bullard	Frankel	Heyman
Barreiro	Byrd	Gannon	Hogan
Baxley	Cantens	Garcia	Holloway
Bean	Carassas	Gardiner	Jennings
Bendross-Mindingall	Clarke	Gelber	Johnson
Bennett	Crow	Gibson	Jordan

Joyner	Machek	Pickens	Sobel
Justice	Mack	Prieguez	Sorensen
Kallinger	Mahon	Rich	Spratt
Kendrick	Mayfield	Richardson	Stansel
Kilmer	McGriff	Ritter	Trovillion
Kosmas	Meadows	Romeo	Wallace
Kottkamp	Mealor	Rubio	Waters
Kravitz	Melvin	Russell	Weissman
Kyle	Miller	Ryan	Wiles
Lacasa	Murman	Seiler	Wilson
Lee	Needelman	Simmons	Wishner
Lerner	Negron	Siplin	
Littlefield	Paul	Slosberg	
Lynn	Peterman	Smith	

Nays—1

Ross

Votes after roll call:

Yeas—Flanagan
Yeas to Nays—Benson

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

Recessed

On motion by Rep. Goodlette, the House recessed at 4:26 p.m., to reconvene upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 5:07 p.m. A quorum was present [Session Vote Sequence: 466].

On motion by Rep. Byrd, the House moved to the consideration of HB 489 on the order of—

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 489, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 489—A bill to be entitled An act relating to high-speed rail; creating the High-Speed Rail Commission; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a required report; directing the Department of Transportation to begin collecting and organizing existing data on high-speed rail systems; providing an appropriation; providing an effective date.

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

and insert:

Section 1. Section 341.821, Florida Statutes, is created to read:

341.821 Florida High-Speed Rail Authority.—

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Section 341.822, Florida Statutes, is created to read:

341.822 Powers and duties.—

(1)(a) The authority created and established by this act shall plan, administer, and manage the preliminary engineering and preliminary environmental assessment of the intrastate high-speed rail system in the state, hereinafter referred to as "intrastate high-speed rail."

(b) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may not incur debt.

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

(d) The authority is authorized to seek federal matching funds or any other funds to fulfill the requirements of this act.

(e) The authority may employ an executive director, permanent or temporary, as it may require and shall determine the qualifications and

fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

Section 3. (1) The following criteria shall apply in developing the preliminary engineering, preliminary environmental assessment, and recommendations required by this act:

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

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

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

(2) The authority shall make recommendations concerning:

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

(b) The preferred routes between the cities designated in paragraph (1)(b);

(c) The preferred locations for the stations in the cities designated in paragraph (1)(b);

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

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

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

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

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

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

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

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

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

(f) A detailed planning-level ridership study;

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

1. The sale of development rights at the stations;

2. License, franchise, and lease fees;

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

4. Any other potential sources deemed appropriate.

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

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

2. Acquire any necessary rights-of-way;

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

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

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

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

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

Section 4. The authority shall prepare a report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2002. If statutory changes are recommended, the report shall contain proposed legislation necessary to implement those recommendations.

Section 5. The Department of Transportation may prepare and issue a request for information from private-sector entities regarding their interest in participating in financing, building, and operating the high-speed rail system in this state, and may issue a request for proposals in order for the authority to contract with a consultant to assist the authority in fulfilling the requirements of this act. Furthermore, the authority may enlist assistance or input from the private sector and from existing rail and fixed guideway system vendors or operators, including Amtrak. The Department of Transportation is directed to begin, as soon as possible, collecting and organizing existing research, studies, and reports concerning high-speed rail systems in preparation for the authority's first meeting.

Section 6. The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.

Section 7. There is appropriated from funds assigned to the Transportation Outreach Program to the authority the sum of \$4,500,000 for the purpose of performing its duties under this act. These funds shall be administered by the authority, and the funding for the authority, for its board, and for any consultant under the provisions of this act shall be allocated from this appropriation.

Section 8. 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 high-speed rail; creating s. 341.821, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and reimbursement of expenses; providing duties of the authority; relating to specified conflicts of interest with respect to authority members; assigning the authority to the Department of Transportation for administrative purposes; providing for future legislative review and repeal; creating s. 341.822, F.S.; providing powers and duties of the authority; authorizing the authority to seek federal funds; providing applicable criteria; requiring submittal of a report; authorizing the department to issue requests for information and proposals; authorizing the authority to request assistance from the private sector; providing for agency assistance; providing an appropriation; providing an effective date.

Rep. Byrd moved that the House refuse to concur in Senate Amendment 1.

Rep. Ross, under Rule 12.6—Consideration of Senate Amendments (order of privilege), moved that the House concur in Senate Amendment 1.

Motion

Rep. Russell moved the previous question on the motion to concur in Senate Amendment 1, which was agreed to.

The question recurred on the motion by Rep. Ross to concur in Senate Amendment 1, which was agreed to. The vote was:

Session Vote Sequence: 467

Yeas—59

Alexander	Clarke	Haridopolos	Negron
Andrews	Cusack	Harper	Paul
Argenziano	Detert	Harrell	Peterman
Attkisson	Diaz de la Portilla	Harrington	Ritter
Ausley	Dockery	Holloway	Ross
Bean	Farkas	Joyner	Ryan
Bendross-Mindingall	Fields	Kendrick	Simmons
Bennett	Flanagan	Lerner	Siplin
Benson	Frankel	Lynn	Smith
Bowen	Gardiner	Machek	Sobel
Brummer	Gelber	Mahon	Stansel
Brutus	Gibson	McGriff	Trovillion
Bullard	Goodlette	Meadows	Waters
Byrd	Gottlieb	Melvin	Weissman
Cantens	Greenstein	Murman	

Nays—53

The Chair	Crow	Kallinger	Prieguez
Allen	Davis	Kilmer	Rich
Arza	Fasano	Kosmas	Richardson
Atwater	Fiorentino	Kottkamp	Romeo
Baker	Gannon	Kravitz	Russell
Ball	Green	Kyle	Seiler
Barreiro	Hart	Lee	Slosberg
Baxley	Henriquez	Littlefield	Sorensen
Bense	Heyman	Mack	Wallace
Berfield	Hogan	Mayfield	Wilson
Betancourt	Jennings	Mealor	Wishner
Bilirakis	Johnson	Miller	
Bucher	Jordan	Needelman	
Carassas	Justice	Pickens	

Votes after roll call:

Yeas—Maygarden

Nays—Wiles

Nays to Yeas—Jordan

Rep. Johnson, under Rule 11.10, moved to temporarily postpone HB 489, which was not agreed to.

The question recurred on the passage of HB 489. The vote was:

Session Vote Sequence: 468

Yeas—97

The Chair	Bendross-Mindingall	Cantens	Fiorentino
Alexander	Bennett	Carassas	Flanagan
Allen	Bense	Clarke	Frankel
Andrews	Benson	Crow	Gannon
Argenziano	Berfield	Cusack	Gardiner
Arza	Betancourt	Davis	Gelber
Attkisson	Bilirakis	Detert	Gibson
Ausley	Bowen	Diaz de la Portilla	Goodlette
Ball	Brummer	Dockery	Gottlieb
Barreiro	Brutus	Farkas	Greenstein
Baxley	Bullard	Fasano	Haridopolos
Bean	Byrd	Fields	Harper

Harrell	Kyle	Needelman	Simmons
Harrington	Lerner	Negron	Siplin
Hart	Littlefield	Paul	Smith
Henriquez	Lynn	Peterman	Sobel
Heyman	Machek	Pickens	Trovillion
Holloway	Mack	Rich	Wallace
Jennings	Mahon	Richardson	Waters
Jordan	Mayfield	Ritter	Weissman
Joyner	McGriff	Romeo	Wilson
Justice	Meadows	Ross	Wishner
Kendrick	Mealor	Russell	
Kilmer	Melvin	Ryan	
Kravitz	Murman	Seiler	

Nays—14

Atwater	Kallinger	Prieguez	Stansel
Baker	Kottkamp	Rubio	Wiles
Bucher	Lee	Slosberg	
Johnson	Miller	Sorensen	

Votes after roll call:

Yeas—Kosmas, Maygarden
 Nays—Green
 Yeas to Nays—Baxley, Kilmer
 Nays to Yeas—Wiles

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after grossment.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate returns as requested CS/HB 293.

Faye W. Blanton, Secretary

Reconsideration of CS/HB 293

On motion by Rep. Crow, the House reconsidered the vote by which **CS/HB 293**, as amended, passed on May 1.

CS/HB 293—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms “early stage technology business” and “qualified distribution”; defining the terms “Program One” and “Program Two”; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

The question recurred on the passage of CS/HB 293.

Representative(s) Crow offered the following:

(Amendment Bar Code: 192743)

Amendment 1 to First Engrossed CS/HB 293 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (3) and (4), paragraphs (a) and (b) of subsection (5), paragraph (a) of subsection (6), paragraphs (a), (c), (d), (e), (f), (g), and (h) of subsection (7), paragraph (a) of subsection (8), paragraphs (a) and (b) of subsection (9), and paragraph (f) of subsection (10) of section 288.99, Florida Statutes, are amended, and paragraph (i) is added to subsection (7) of that section, to read:

288.99 Certified Capital Company Act.—

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

(a) “Affiliate of an insurance company” means:

1. Any person directly or indirectly beneficially owning, whether through rights, options, convertible interests, or otherwise, controlling, or holding power to vote 15 10 percent or more of the outstanding voting securities or other ownership interests of the insurance company;

2. Any person 15 10 percent or more of whose outstanding voting securities or other ownership interest is directly or indirectly beneficially owned, whether through rights, options, convertible interests, or otherwise, controlled, or held with power to vote by the insurance company;

3. Any person directly or indirectly controlling, controlled by, or under common control with the insurance company;

4. A partnership in which the insurance company is a general partner; or

5. Any person who is a principal, director, employee, or agent of the insurance company or an immediate family member of the principal, director, employee, or agent.

(b) “Certified capital” means an investment of cash by a certified investor in a certified capital company which fully funds the purchase price of either or both its equity interest in the certified capital company or a qualified debt instrument issued by the certified capital company.

(c) “Certified capital company” means a corporation, partnership, or limited liability company which:

1. Is certified by the department in accordance with this act.

2. Receives investments of certified capital *from two or more unaffiliated certified investors.*

3. Makes qualified investments as its primary activity.

(d) “Certified investor” means any insurance company subject to premium tax liability pursuant to s. 624.509 that contributes certified capital.

(e) “Department” means the Department of Banking and Finance.

(f) “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(g) “Early stage technology business” means a qualified business that is *either:*

1. Involved, at the time of the certified capital company’s initial investment in such business, in activities related to developing initial product or service offerings, such as prototype development or the establishment of initial production or service processes; ~~The term includes a qualified business that is~~

2. Less than 2 years old and has, together with its affiliates, less than \$3 million in annual revenues for the fiscal year immediately preceding the initial investment by the certified capital company on a consolidated basis, as determined in accordance with generally accepted accounting principles; ~~The term also includes~~

3. The Florida Black Business Investment Board;;

4. Any entity *that is majority-owned* ~~majority-owned~~ by the Florida Black Business Investment Board; or

5. Any entity in which the Florida Black Business Investment Board holds a majority voting interest on the board of directors.

(h) “Office” means the Office of Tourism, Trade, and Economic Development.

(i) “Premium tax liability” means any liability incurred by an insurance company under the provisions of s. 624.509.

(j) “Principal” means an executive officer of a corporation, partner of a partnership, manager of a limited liability company, or any other person with equivalent executive functions.

(k) "Qualified business" means a business that meets the following conditions as evidenced by documentation required by department rule:

1. The business is headquartered in this state and its principal business operations are located in this state. For the purpose of this act, the terms "headquartered" and "principal business operations" mean that at least 75 percent of the employees are located in the state.

2. At the time a certified capital company makes an initial investment in a business, the business is a small business concern as defined in 13 C.F.R. s. 121.201, "Size Standards Used to Define Small Business Concerns" of the United States Small Business Administration which is involved in manufacturing, processing or assembling products, conducting research and development, or providing services.

3. At the time a certified capital company makes an initial investment in a business, the business certifies in an affidavit that:

a. The business is unable to obtain conventional financing, which means that the business has failed in an attempt to obtain funding for a loan from a bank or other commercial lender or that the business cannot reasonably be expected to qualify for such financing under the standards of commercial lending;

b. The business plan for the business projects that the business is reasonably expected to achieve in excess of \$25 million in sales revenue within 5 years after the initial investment, or the business is located in a designated Front Porch community, enterprise zone, urban high crime area, rural job tax credit county, or nationally recognized historic district;

c. The business will maintain its headquarters in this state for the next 10 years and any new manufacturing facility financed by a qualified investment will remain in this state for the next 10 years, or the business is located in a designated Front Porch community, enterprise zone, urban high crime area, rural job tax credit county, or nationally recognized historic district; and

d. The business has fewer than 200 employees and at least 75 percent of the employees are employed in this state. For purposes of this subsection, the term "qualified business" also includes the Florida Black Business Investment Board, any entity majority owned by the Florida Black Business Investment Board, or any entity in which the Florida Black Business Investment Board holds a majority voting interest on the board of directors.

4. The term does not include:

a. Any business predominantly engaged in retail sales, real estate development, insurance, banking, lending, or oil and gas exploration.

b. Any business predominantly engaged in professional services provided by accountants, lawyers, or physicians.

c. Any company that has no historical revenues and either has no specific business plan or purpose or has indicated that its business plan is solely to engage in a merger or acquisition with any unidentified company or other entity.

d. Any company that has a strategic plan to grow through the acquisition of firms with substantially similar business which would result in the planned net loss of Florida-based jobs over a 12-month period after the acquisition as determined by the department.

~~A business predominantly engaged in retail sales, real estate development, insurance, banking, lending, oil and gas exploration, or engaged in professional services provided by accountants, lawyers, or physicians does not constitute a qualified business.~~

(l) "Qualified debt instrument" means a debt instrument, or a hybrid of a debt instrument, issued by a certified capital company, at par value or a premium, with an original maturity date of at least 5 years after the date of issuance, a repayment schedule which is no faster than a level principal amortization over a 5-year period, and interest, distribution, or payment features which are not related to the profitability of the certified capital company or the performance of the certified capital company's investment portfolio.

(m) "Qualified distribution" means any distribution or payment by ~~to equity holders of~~ a certified capital company for:

1. Reasonable costs and expenses, including professional fees, of forming and; syndicating the certified capital company, if no such costs are paid to a certified investor and the total cash, cash equivalents and other current assets permitted by s. 288.99(5)(b)3.g. that can be converted into cash within 5 business days available to the certified capital company at the time of receipt of certified capital from certified investors, after deducting the costs and expenses of forming and syndicating the certified capital company, including any payments made over time for obligations incurred at the time of receipt of certified capital excluding other future qualified distributions and payments made under s. 288.99(9)(a), are an amount equal to or greater than 50 percent of the total certified capital allocated to the certified capital pursuant to s. 288.99(7);

2. Reasonable costs of managing; and operating the certified capital company, not exceeding 5 percent of the certified capital in any 1 year, including an annual management fee in an amount that does not exceed 2.5 percent of the certified capital of the certified capital company; ~~plus~~

3. Reasonable and necessary fees in accordance with industry custom for professional services, including, but not limited to, legal and accounting services, related to the operation of the certified capital company; or-

4.2. Any projected increase in federal or state taxes, including penalties and interest related to state and federal income taxes, of the equity owners of a certified capital company resulting from the earnings or other tax liability of the certified capital company to the extent that the increase is related to the ownership, management, or operation of a certified capital company.

(n)1. "Qualified investment" means the investment of cash by a certified capital company in a qualified business for the purchase of any debt, equity, or hybrid security ~~of any nature and description whatsoever~~, including a debt instrument or security that which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants.

2. The term does not include:

a. Any investment made after the effective date of this act the contractual terms of which require the repayment of any portion of the principal in instances, other than default as determined by department rule, within 12 months following the initial investment by the certified capital company unless such investment has a repayment schedule no faster than a level principal amortization of at least 2 years;

b. Any "follow-on" or "add-on" investment except for the amount by which the new investment is in addition to the amount of the certified capital company's initial investment returned to it other than in the form of interest, dividends, or other types of profit participation or distributions; or

c. Any investment in a qualified business or affiliate of a qualified business that exceeds 15 percent of certified capital.

(o) "Program One" means the \$150 million in premium tax credits issued under this act in 1999, the allocation of such credits under this act, and the regulation of certified capital companies and investments made by them hereunder.

(p) "Program Two" means the \$50 million in premium tax credits to be issued under this act on April 1, 2002, the allocation of such credits under this act, and the regulation of certified capital companies and investments made by them hereunder.

(4) CERTIFICATION; GROUNDS FOR DENIAL OR DECERTIFICATION.—

(a) To operate as a certified capital company, a corporation, partnership, or limited liability company must be certified by the department pursuant to this act.

(b) An applicant for certification as a certified capital company must file a verified application with the department on or before December 1, 1998, or *November 1, 2001, in the case of applicants for Program Two*, in a form which the department may prescribe by rule. The applicant shall submit a nonrefundable application fee of \$7,500 to the department. The applicant shall provide:

1. The name of the applicant and the address of its principal office and each office in this state.

2. The applicant's form and place of organization and the relevant organizational documents, bylaws, and amendments or restatements of such documents, bylaws, or amendments.

3. Evidence from the Department of State that the applicant is registered with the Department of State as required by law, maintains an active status with the Department of State, and has not been dissolved or had its registration revoked, canceled, or withdrawn.

4. The applicant's proposed method of doing business.

5. The applicant's financial condition and history, including an audit report on the financial statements prepared in accordance with generally accepted accounting principles showing net worth capital of not less than \$500,000 within 90 days prior to after the date the application is submitted to the department. If the date of the application is more than 90 days after preparation of the applicant's fiscal year-end financial statements, the applicant may file financial statements reviewed by an independent certified public accountant for the period subsequent to the audit report, together with the audited financial statement for the most recent fiscal year. If the applicant has been in business less than 12 months, and has not prepared an audited financial statement, the applicant may file a financial statement reviewed by an independent certified public accountant.

6. Copies of any offering materials used or proposed to be used by the applicant in soliciting investments of certified capital from certified investors.

(c) On December 31, 1998, or *December 31, 2001, in the case of applicants for Program Two*, the department shall grant or deny certification as a certified capital company. If the department denies certification within the time period specified, the department shall inform the applicant of the grounds for the denial. If the department has not granted or denied certification within the time specified, the application shall be deemed approved. The department shall approve the application if the department finds that:

1. The applicant satisfies the requirements of paragraph (b).

2. No evidence exists that the applicant has committed any act specified in paragraph (d).

3. At least two of the principals have a minimum of 5 years of experience making venture capital investments out of private equity funds, with not less than \$20 million being provided by third-party investors for investment in the early stage of operating businesses. At least one full-time manager or principal of the certified capital company who has such experience must be primarily located in an office of the certified capital company which is based in this state.

4. The applicant's proposed method of doing business and raising certified capital as described in its offering materials and other materials submitted to the department conforms with the requirements of this act.

(d) The department may deny certification or decertify a certified capital company if the grounds for decertification are not removed or corrected within 90 days after the notice of such grounds is received by the certified capital company. The department may deny certification or decertify a certified capital company if the certified capital company fails to maintain a net worth of at least \$500,000, or if the department determines that the applicant, or any principal or director of the certified capital company, has:

1. Violated any provision of this section;

2. Made a material misrepresentation or false statement or concealed any essential or material fact from any person during the application process or with respect to information and reports required of certified capital companies under this section;

3. Been convicted of, or entered a plea of guilty or nolo contendere to, a crime against the laws of this state or any other state or of the United States or any other country or government, including a fraudulent act in connection with the operation of a certified capital company, or in connection with the performance of fiduciary duties in another capacity;

4. Been adjudicated liable in a civil action on grounds of fraud, embezzlement, misrepresentation, or deceit; or

5.a. Been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or any state or federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association, involving a material violation of any federal or state securities or commodities law or any rule or regulation adopted under such law, or any rule or regulation of any national securities, commodities, or options exchange, or national securities, commodities, or options association; or

b. Been the subject of any injunction or adverse administrative order by a state or federal agency regulating banking, insurance, finance or small loan companies, real estate, mortgage brokers, or other related or similar industries.

~~(e) The certified capital company shall file a copy of its certification with the office by January 31, 1999.~~

~~(e)(f)~~ Any offering material involving the sale of securities of the certified capital company shall include the following statement: "By authorizing the formation of a certified capital company, the State of Florida does not endorse the quality of management or the potential for earnings of such company and is not liable for damages or losses to a certified investor in the company. Use of the word 'certified' in an offering does not constitute a recommendation or endorsement of the investment by the State of Florida. Investments in a certified capital company prior to the time such company is certified are not eligible for premium tax credits. If applicable provisions of law are violated, the state may require forfeiture of unused premium tax credits and repayment of used premium tax credits by the certified investor."

~~(f)(g)~~ No insurance company or any affiliate of an insurance company shall, directly or indirectly, own (whether through rights, options, convertible interests, or otherwise) 15 percent or more of the equity interests of or manage or control the direction of investments of a certified capital company. This prohibition does not preclude a certified investor, insurance company, or any other party from exercising its legal rights and remedies, which may include interim management of a certified capital company, if a certified capital company is in default of its obligations under law or its contractual obligations to such certified investor, insurance company, or other party.

~~(g)(h)~~ On or before December 31 of each year, each certified capital company shall pay to the department an annual, nonrefundable renewal certification fee of \$5,000. *If a certified capital company fails to pay its renewal fee by the specified deadline, it must pay a late fee of \$5,000 in addition to the renewal fee on or by January 31 of each year in order to continue its certification in the program. On or before April 30 of each year, each certified capital company shall file audited financial statements with the department.* No renewal fees shall be required within 6 months after the date of initial certification.

~~(h)(i)~~ The department shall administer and provide for the enforcement of certification requirements for certified capital companies as provided in this act. The department may adopt any rules necessary to carry out its duties, obligations, and powers related to certification, renewal of certification, or decertification of certified capital companies and may perform any other acts necessary for the proper administration and enforcement of such duties, obligations, and powers.

~~(i)(j)~~ Decertification of a certified capital company under this subsection does not affect the ability of certified investors in such

certified capital company from claiming future premium tax credits earned as a result of an investment in the certified capital company during the period in which it was duly certified.

(5) INVESTMENTS BY CERTIFIED CAPITAL COMPANIES.—

(a) To remain certified, a certified capital company must make qualified investments according to the following schedule:

1. At least 20 percent of its certified capital must be invested in qualified investments by December 31, 2000, *or in the case of certified capital raised under Program Two, by December 31, 2003.*

2. At least 30 percent of its certified capital must be invested in qualified investments by December 31, 2001, *or in the case of certified capital raised under Program Two, by December 31, 2004.*

3. At least 40 percent of its certified capital must be invested in qualified investments by December 31, 2002, *or in the case of certified capital raised under Program Two, by December 31, 2005.*

4. At least 50 percent of its certified capital must be invested in qualified investments by December 31, 2003, *or in the case of certified capital raised under Program Two, by December 31, 2006.* At least 50 percent of such qualified investments must be invested in early stage technology businesses.

(b) All capital not invested in qualified investments by the certified capital company:

1. Must be held in a financial institution as defined by s. 655.005(1)(h) or held by a broker-dealer registered under s. 517.12, *except as set forth in s. 288.99(5)(b)3.g.*

2. Must not be invested in a certified investor of the certified capital company or any affiliate of the certified investor of the certified capital company, *except for an investment permitted by s. 288.99(5)(b)3.g., provided repayment terms do not permit the obligor to directly or indirectly manage or control the investment decisions of the certified capital company.*

3. Must be invested only in:

a. Any United States Treasury obligations;

b. Certificates of deposit or other obligations, maturing within 3 years after acquisition of such certificates or obligations, issued by any financial institution or trust company incorporated under the laws of the United States;

c. Marketable obligations, maturing within 5 years or less after the acquisition of such obligations, which are rated "A" or better by any nationally recognized credit rating agency;

d. Mortgage-backed securities, with an average life of 5 years or less, after the acquisition of such securities, which are rated "A" or better by any nationally recognized credit rating agency;

e. Collateralized mortgage obligations and real estate mortgage investment conduits that are direct obligations of an agency of the United States Government; are not private-label issues; are in book-entry form; and do not include the classes of interest only, principal only, residual, or zero; or

f. Interests in money market funds, the portfolio of which is limited to cash and obligations described in sub-subparagraphs a.-d.; or

g. *Obligations that are issued by an insurance company that is not a certified investor of the certified capital company making the investment, that has provided a guarantee indemnity bond, insurance policy, or other payment undertaking in favor of the certified capital company's certified investors as permitted by s. 288.99(3)(m)1. or an affiliate of such insurance company as defined by s. 288.99(3)(a)3. that is not a certified investor of the certified capital company making the investment, provided that such obligations are:*

(I) *Issued or guaranteed as to principal by an entity whose senior debt is rated "AA" or better by Standard & Poor's Ratings Group or such other*

nationally recognized credit rating agency as the Department may by rule determine;

(II) *Not subordinated to other unsecured indebtedness of the issuer or the guarantor;*

(III) *Invested by such issuing entity in accordance with s. 288.99(5)(b)3.a.-f.; and*

(IV) *Readily convertible into cash within 5 business days for the purpose of making a Qualified Investment unless such obligations are held to provide a guarantee, indemnity bond, insurance policy, or other payment undertaking in favor of the certified capital company's certified investors as permitted by s. 288.99(3)(m)1.*

(6) PREMIUM TAX CREDIT; AMOUNT; LIMITATIONS.—

(a) Any certified investor who makes an investment of certified capital shall earn a vested credit against premium tax liability equal to 100 percent of the certified capital invested by the certified investor. Certified investors shall be entitled to use no more than 10 percentage points of the vested premium tax credit *earned under a particular program, including any carryforward credits from such program* under this act, per year beginning with premium tax filings for calendar year 2000 *for credits earned under Program One and calendar year 2003 for credits earned under Program Two.* Any premium tax credits not used by certified investors in any single year may be carried forward and applied against the premium tax liabilities of such investors for subsequent calendar years. ~~The carryforward credit may be applied against subsequent premium tax filings through calendar year 2017.~~

(7) ANNUAL TAX CREDIT; MAXIMUM AMOUNT; ALLOCATION PROCESS.—

(a) The total amount of tax credits which may be allocated by the office shall not exceed \$150 million *with respect to Program One and \$50 million with respect to Program Two.* The total amount of tax credits which may be used by certified investors under this act shall not exceed \$15 million annually *with respect to credits earned under Program One and \$5 million annually with respect to credits earned under Program Two.*

(c) Each certified capital company must apply to the office for an allocation of premium tax credits for potential certified investors by March 15, 1999, *or by March 15, 2002, in the case of credits allocable under Program Two,* on a form developed by the office with the cooperation of the Department of Revenue. The form shall be accompanied by an affidavit from each potential certified investor confirming that the potential certified investor has agreed to make an investment of certified capital in a certified capital company up to a specified amount, subject only to the receipt of a premium tax credit allocation pursuant to this subsection. *No certified capital company shall submit premium tax allocation claims on behalf of certified investors that in the aggregate would exceed the total dollar amount appropriated by the Legislature for the specific program.* No allocation shall be made to the potential investors of a certified capital company *under Program Two* unless such certified capital company has filed premium tax allocation claims that would result in an allocation to the potential investors in such certified capital company of not less than \$15 million in the aggregate.

(d) On or before April 1, 1999, *or April 1, 2002, in the case of Program Two,* the office shall inform each certified capital company of its share of total premium tax credits available for allocation to each of its potential investors.

(e) If a certified capital company does not receive certified capital equaling the amount of premium tax credits allocated to a potential certified investor for which the investor filed a premium tax allocation claim within 10 business days after the investor received a notice of allocation, the certified capital company shall notify the office by overnight common carrier delivery service of the company's failure to receive the capital. That portion of the premium tax credits allocated to the certified capital company shall be forfeited. *The department may levy a fine of not more than \$50,000 on any certified investor that does not invest the full amount of certified capital allocated by the department*

to such investor in accordance with the affidavit filed on its behalf. If the office must make a pro rata allocation under paragraph (f), the office shall reallocate such available credits among the other certified capital companies on the same pro rata basis as the initial allocation.

(f) If the total amount of capital committed by all certified investors to certified capital companies in premium tax allocation claims under Program Two exceeds the aggregate cap on the amount of credits that may be awarded under Program Two, the premium tax credits that may be allowed to any one certified investor under Program Two shall be allocated using the following ratio:

$$\begin{aligned} A/B &= X/\$50,000,000 \\ A/B &= X/\$150,000,000 \end{aligned}$$

where the letter "A" represents the total amount of certified capital certified investors have agreed to invest in any one certified capital company under Program Two, the letter "B" represents the aggregate amount of certified capital that all certified investors have agreed to invest in all certified capital companies under Program Two, the letter "X" is the numerator and represents the total amount of premium tax credits and certified capital that may be allocated to a certified capital company on April 1, 2002 in calendar year 1999, and \$50 \$150 million is the denominator and represents the total amount of premium tax credits and certified capital that may be allocated to all certified investors in calendar year 2002 1999. Any such premium tax credits are not first available for utilization until annual filings are made in 2001 for calendar year 2000 in the case of Program One, and until annual filings are made in 2004 for calendar year 2003 in the case of Program Two, and the tax credits may be used at a rate not to exceed 10 percent annually per program.

(g) The maximum amount of certified capital for which premium tax allocation claims may be filed on behalf of any certified investor and its affiliates by one or more certified capital companies may not exceed \$15 million for Program One, and \$7.5 million for Program Two.

(h) To the extent that less than \$50 \$150 million in certified capital is raised in connection with the procedure set forth in paragraphs (c)-(g), the department may adopt rules to allow a subsequent allocation of the remaining premium tax credits authorized under this section.

(i) The office shall issue a certification letter for each certified investor, showing the amount invested in the certified capital company under each program. The applicable certified capital company shall attest to the validity of the certification letter.

(8) ANNUAL TAX CREDIT; CLAIM PROCESS.—

(a) On an annual basis, on or before January ~~December~~ 31, each certified capital company shall file with the department and the office, in consultation with the department, on a form prescribed by the office, for each calendar year:

1. The total dollar amount the certified capital company received from certified investors, the identity of the certified investors, and the amount received from each certified investor during the immediately preceding calendar year.

2. The total dollar amount the certified capital company invested and the amount invested in qualified businesses, together with the identity and location of those businesses and the amount invested in each qualified business during the immediately preceding calendar year.

3. For informational purposes only, the total number of permanent, full-time jobs either created or retained by the qualified business during the immediately preceding calendar year, the average wage of the jobs created or retained, the industry sectors in which the qualified businesses operate, and any additional capital invested in qualified businesses from sources other than certified capital companies.

(9) REQUIREMENT FOR 100 PERCENT INVESTMENT; STATE PARTICIPATION.—

(a) A certified capital company may make qualified distributions at any time. In order to make a distribution to its equity holders, other than a qualified distribution out of funds related to a particular

program, a certified capital company must have invested an amount cumulatively equal to 100 percent of its certified capital raised under such program in qualified investments. Payments to debt holders of a certified capital company, however, may be made without restriction with respect to repayments of principal and interest on indebtedness owed to them by a certified capital company, including indebtedness of the certified capital company on which certified investors earned premium tax credits. A debt holder that is also a certified investor or equity holder of a certified capital company may receive payments with respect to such debt without restrictions.

(b) Cumulative distributions from a certified capital company out of funds related to a particular program to its certified investors and equity holders under such program, other than qualified distributions, in excess of the certified capital company's original certified capital raised under such program and any additional capital contributions to the certified capital company with respect to such program may be audited by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company, if the department directs such audit be conducted. The audit shall determine whether aggregate cumulative distributions from the funds related to a particular program made by the certified capital company to all certified investors and equity holders under such program, other than qualified distributions, have equaled the sum of the certified capital company's original certified capital raised under such program and any additional capital contributions to the certified capital company with respect to such program. If at the time of any such distribution made by the certified capital company, such distribution taken together with all other such distributions from the funds related to such program made by the certified capital company, other than qualified distributions, exceeds in the aggregate the sum of the certified capital company's original certified capital raised under such program and any additional capital contributions to the certified capital company with respect to such program, as determined by the audit, the certified capital company shall pay to the Department of Revenue 10 percent of the portion of such distribution in excess of such amount. Payments to the Department of Revenue by a certified capital company pursuant to this paragraph shall not exceed the aggregate amount of tax credits used by all certified investors in such certified capital company for such program.

(10) DECERTIFICATION.—

(f) Decertification of a certified capital company for failure to meet all requirements for continued certification under paragraph (5)(a) with respect to the certified capital raised under a particular program may cause the recapture of premium tax credits previously claimed by such company under such program and the forfeiture of future premium tax credits to be claimed by certified investors under such program with respect to such certified capital company, as follows:

1. Decertification of a certified capital company within 3 years after its certification date with respect to a particular program shall cause the recapture of all premium tax credits earned under such program and previously claimed by such company and the forfeiture of all future premium tax credits earned under such program which are to be claimed by certified investors with respect to such company.

2. When a certified capital company meets all requirements for continued certification under subparagraph (5)(a)1. with respect to certified capital raised under a particular program and subsequently fails to meet the requirements for continued certification under the provisions of subparagraph (5)(a)2. with respect to certified capital raised under such program, those premium tax credits earned under such program which have been or will be taken by certified investors within 3 years after the certification date of the certified capital company with respect to such program shall not be subject to recapture or forfeiture; however, all premium tax credits earned under such program that have been or will be taken by certified investors after the third anniversary of the certification date of the certified capital company for such program shall be subject to recapture or forfeiture.

3. When a certified capital company meets all requirements for continued certification under subparagraphs (5)(a)1. and 2. with respect to a particular program and subsequently fails to meet the requirements

for continued certification under the subparagraph (5)(a)3. *with respect to such program*, those premium tax credits *earned under such program* which have been or will be taken by certified investors within 4 years after the certification date of the certified capital company *with respect to such program* shall not be subject to recapture or forfeiture; however, all premium tax credits *earned under such program* that have been or will be taken by certified investors after the fourth anniversary of the certification date of the certified capital company *with respect to such program* shall be subject to recapture and forfeiture.

4. If a certified capital company has met all requirements for continued certification under paragraph (5)(a) *with respect to certified capital raised under a particular program*, but such company is subsequently decertified, those premium tax credits *earned under such program* which have been or will be taken by certified investors within 5 years after the certification date of such company *with respect to such program* shall not be subject to recapture or forfeiture. Those premium tax credits *earned under such program* and to be taken subsequent to the 5th year of certification *with respect to such program* shall be subject to forfeiture only if the certified capital company is decertified within 5 years after its certification date *with respect to such program*.

5. If a certified capital company has invested an amount cumulatively equal to 100 percent of its certified capital *raised under a particular program* in qualified investments, all premium tax credits claimed or to be claimed by its certified investors *under such program* shall not be subject to recapture or forfeiture.

Section 2. This act shall take effect July 1, 2001.

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 Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms “early stage technology business” and “qualified distribution”; defining the terms “Program One” and “Program Two”; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

Rep. Crow moved the adoption of **Amendment 1 to First Engrossed CS/HB 293**, which was adopted.

The question recurred on the passage of CS/HB 293. The vote was:

Session Vote Sequence: 469

Yeas—114

The Chair	Brummer	Gannon	Justice
Alexander	Brutus	Garcia	Kallinger
Allen	Bucher	Gardiner	Kendrick
Andrews	Bullard	Gelber	Kilmer
Argenziano	Byrd	Gibson	Kosmas
Arza	Cantens	Goodlette	Kottkamp
Attkisson	Carassas	Gottlieb	Kravitz
Atwater	Clarke	Green	Lacasa
Ausley	Crow	Greenstein	Lee
Baker	Cusack	Haridopolos	Lerner
Ball	Davis	Harper	Littlefield
Bean	Detert	Harrell	Lynn
Bendross-Mindingall	Diaz de la Portilla	Harrington	Machek
Bennett	Diaz-Balart	Henriquez	Mack
Bense	Dockery	Heyman	Mahon
Benson	Farkas	Hogan	Mayfield
Berfield	Fasano	Holloway	Maygarden
Betancourt	Fields	Jennings	McGriff
Bilirakis	Fiorentino	Johnson	Meadows
Bowen	Flanagan	Jordan	Mealor
Brown	Frankel	Joyner	Melvin

Murman	Richardson	Simmons	Trovillion
Needelman	Ritter	Siplin	Wallace
Negron	Romeo	Slosberg	Waters
Paul	Ross	Smith	Wiles
Peterman	Rubio	Sobel	Wilson
Pickens	Russell	Sorensen	Wishner
Prieguez	Ryan	Spratt	
Rich	Seiler	Stansel	

Nays—None

Votes after roll call:

Yeas—Kyle

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 347, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

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

Senate Amendment 1 (with title amendment)—On page 6, line 1, through page 13, line 12, delete those lines

insert:

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

121.0515 Special risk membership.—

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

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

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

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

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

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

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

1. Dietitian (class codes 5203 and 5204).
2. Public health nutrition consultant (class code 5224).
3. Psychological specialist (class codes 5230 and 5231).
4. Psychologist (class code 5234).
5. Senior psychologist (class codes 5237 and 5238).
6. Regional mental health consultant (class code 5240).
7. Psychological Services Director—DCF (class code 5242).
8. Pharmacist (class codes 5245 and 5246).
9. Senior pharmacist (class codes 5248 and 5249).

10. Dentist (class code 5266).
11. Senior dentist (class code 5269).
12. Registered nurse (class codes 5290 and 5291).
13. Senior registered nurse (class codes 5292 and 5293).
14. Registered nurse specialist (class codes 5294 and 5295).
15. Clinical associate (class codes 5298 and 5299).
16. Advanced registered nurse practitioner (class codes 5297 and 5300).
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305).
18. Registered nurse supervisor (class codes 5306 and 5307).
19. Senior registered nurse supervisor (class codes 5308 and 5309).
20. Registered nursing consultant (class codes 5312 and 5313).
21. Quality management program supervisor (class code 5314).
22. Executive nursing director (class codes 5320 and 5321).
23. Speech and hearing therapist (class code 5406); or
24. Pharmacy manager (class code 5251).
25. *Unit treatment and rehabilitation director-F/C (class code 5805).*
26. *Unit treatment and rehabilitation senior supervisor I-F/C (class code 5793).*
27. *Unit treatment and rehabilitation supervisor II-F/C (class code 5796).*
28. *Unit treatment and rehabilitation specialist-F/C (class code 5791).*
29. *Unit treatment and rehabilitation supervisor I-F/C (class code 5786).*
30. *Unit treatment and rehabilitation director (class code 5779).*
31. *Unit treatment and rehabilitation senior supervisor I (class code 5777).*
32. *Unit treatment and rehabilitation senior supervisor II (class code 5778).*
33. *Unit treatment and rehabilitation senior supervisor III (class code 5780).*
34. *Unit treatment and rehabilitation senior supervisor III-F/C (class code 5799).*
35. *Unit treatment and rehabilitation specialist (class code 5776).*
36. *Unit treatment and rehabilitation supervisor I (class code 5710).*

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

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

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

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be

compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

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

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

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

(I) Heads an organizational unit; or

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

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

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

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

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

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

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

(f) Effective July 1, 1997:

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

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

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

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

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

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

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

(I) Heads an organizational unit; or

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

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

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

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

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

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

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

121.4501 Public Employee Optional Retirement Program.—

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

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

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program. *The term includes a bundled provider that offers participants a range of individually allocated or unallocated investment*

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

(4) PARTICIPATION; ENROLLMENT.—

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

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

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

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

4. *Employees' ability to transfer from the Florida Retirement System defined benefit program to the Public Employee Optional Retirement Program pursuant to paragraphs (a) through (d), and the ability for current employees to have an option to later transfer back into the defined benefit program under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any such resulting*

unfunded liability arising from actual original transfers from the defined benefit program to the optional program shall be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, no direct amortization payment shall be calculated for this base. During this 25-year period, such separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. It is the legislative intent that the actuarial funded status of the Florida Retirement System defined benefit plan is neither beneficially nor adversely impacted by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following this initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

(8) ADMINISTRATION OF PROGRAM.—

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

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

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

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

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

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

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

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

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

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition does not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.*

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

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

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

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

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

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

121.0515 Special risk membership.—

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

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

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

121.052 Membership class of elected officers.—

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

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

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 24-26, delete those lines

and insert: amending s. 122.0515, F.S., relating to special risk membership; revising criteria for members employed as firefighters, emergency medical technicians, or paramedics; adding specified classes of members employed within a correctional or forensic facility or institution; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term "approved provider" for purposes of the Public Employee Optional Retirement Program; revising requirements for transferring a member's optional program account to the defined benefit plan; providing for amortization of any unfunded liability; providing requirements for the State Board of Administration in administering the program; revising requirements for the board in selecting providers of investment products; requiring that providers comply with federal and state

securities and insurance laws and rules governing the ethical marketing of investment products; requiring that the board develop procedures for resolving complaints of participants; prohibiting providers from selling or distributing customer lists generated through the optional retirement program; amending s. 121.0515, F.S.; allowing certain Special Risk Class members of the Florida Retirement System to purchase additional retirement credit; providing for funding; amending s. 121.052, F.S.; providing a period in which municipalities and special districts may designate elected positions for inclusion in the Elected Officers' Class;

Representative(s) Fasano offered the following:

(Amendment Bar Code: 603071)

House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 5, line 15, through page 21, line 30, remove from the amendment: all of said lines

and insert in lieu thereof:

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

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

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

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

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

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

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

(I) Heads an organizational unit; or

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

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

participate in the Senior Management Service Optional Annuity Program.

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

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

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

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

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

(f) Effective July 1, 1997:

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

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

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

positions. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

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

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

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

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

(I) Heads an organizational unit; or

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

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

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

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

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

(j) Except as may otherwise be provided, any member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph

(4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit pursuant to this paragraph shall be equal to the difference in the contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

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

121.4501 Public Employee Optional Retirement Program.—

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

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

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

(4) PARTICIPATION; ENROLLMENT.—

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

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

2. If the employee chooses to move from the *Public Employee Optional Retirement Program* to the defined benefit program, the

employee must transfer from his or her *optional program* ~~Public Employee Optional Retirement Program~~ account and from other employee moneys as necessary, a sum representing all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.

If, at the time of a member's election to transfer to the defined benefit program, the member's optional program account does not contain the total amount required to be transferred to the defined benefit program, the member must pay the remaining balance. If the member's optional program account contains more than the amount required to be transferred to the defined benefit program, such additional amount shall remain in the member's optional program account.

(8) ADMINISTRATION OF PROGRAM.—

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

2. *These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. Nothing in this section shall prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions.*

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

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

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

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

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

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

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

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition shall not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.*

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

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

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

3. *The board shall develop procedures to receive and resolve participant complaints against a provider or approved provider*

personnel, and, when appropriate, refer such complaints to the appropriate regulatory agency.

4. *Approved providers are prohibited from selling or in any way distributing any customer list or participant identification information generated through their offering of products or services through the optional retirement program.*

Section 8. *The appointment of the executive director of the State Board of Administration shall be subject to the approval by a majority vote of the Board of Trustees of the State Board of Administration and the Governor must vote on the prevailing side. Such appointment must be reaffirmed in the same manner by the Board of Trustees on an annual basis.*

Section 9. Section 112.18, Florida Statutes, is amended to read:

112.18 Firefighters and state law enforcement officers; special provisions relative to disability.—

(1) Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or *any state law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3), respectively,* caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter or *state law enforcement officer* shall have successfully passed a physical examination upon entering into any such service as a firefighter or *state law enforcement officer, correctional officer, or correctional probation officer,* which examination failed to reveal any evidence of any such condition. Such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(2) This section shall be construed to authorize the above governmental entities to negotiate policy contracts for life and disability insurance to include accidental death benefits or double indemnity coverage which shall include the presumption that any condition or impairment of health of any firefighter, *law enforcement officer, correctional officer, or correctional probation officer* caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

And the title is amended as follows:

On page 23, line 27, through page 24, line 22, of the amendment remove: all of said lines

and insert in lieu thereof: technicians, or paramedics; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration; amending s. 112.18, F.S.; expanding the provisions of law with respect to disability in the line of duty to include all law enforcement officers and certain correctional officers and correctional probation officers; amending s. 121.0515, F.S.; allowing

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

On motion by Rep. Fasano, the House concurred in Senate Amendment 1, as amended.

The question recurred on the passage of CS/HB 347. The vote was:

Session Vote Sequence: 470

Yeas—119

The Chair	Clarke	Hogan	Negron
Alexander	Crow	Holloway	Paul
Allen	Cusack	Jennings	Peterman
Andrews	Davis	Johnson	Pickens
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lacasa	Simmons
Bennett	Garcia	Lee	Siplin
Bense	Gardiner	Lerner	Slosberg
Benson	Gelber	Littlefield	Smith
Berfield	Gibson	Lynn	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Spratt
Bowen	Green	Mahon	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of SB 338 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

SB 338—A bill to be entitled An act relating to criminal justice; providing a short title; amending s. 782.04, F.S.; making it a capital felony to commit the unlawful killing of a human being while perpetrating or attempting to perpetrate the act of resisting an officer with violence to the officer's person; providing penalties for specified murders involving the perpetration of or the attempt to perpetrate the act of resisting an officer with violence to the officer's person; amending s. 775.0823, F.S.; correcting sentencing references; reenacting ss. 782.051, 903.133, 921.0022(3)(h) and (i), and 947.146(3)(i), F.S., relating to attempted felony murder, relating to bail on appeal prohibited for certain felony convictions, relating to the Criminal Punishment Code offense severity ranking chart, and relating to the Control Release Authority; providing an effective date.

—was read the third time by title.

Representative(s) Andrews offered the following:

(Amendment Bar Code: 771051)

Amendment 1 (with title amendment)—On page 1, line 24, insert:

Section 1. Subsection (3) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being or *unborn quick child* commits DUI manslaughter, and commits:

a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the crash, the person knew, or should have known, that the crash occurred; and

(II) The person failed to give information and render aid as required by s. 316.062.

Section 2. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—“Vehicular homicide” is the killing of a human being, or the killing of an *unborn quick child* ~~a viable fetus~~ by any injury to the mother, caused by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is:

(1) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 316.062.

This subsection does not require that the person knew that the accident resulted in injury or death.

~~(3) For purposes of this section, a fetus is viable when it becomes capable of meaningful life outside the womb through standard medical measures.~~

(3)(4) A right of action for civil damages shall exist under s. 768.19, under all circumstances, for all deaths described in this section.

Section 3. Section 782.09, Florida Statutes, is amended to read:

782.09 Killing of unborn child by injury to mother.—

(1) The ~~unlawful willful~~ killing of an unborn quick child, by any injury to the mother of such child which would be murder if it resulted in the death of such mother, shall be deemed *murder in the same degree as that which would have been committed against the mother*. A person who unlawfully kills an unborn quick child by any injury to the mother:

(a) Which would be murder in the first degree constituting a capital felony if it resulted in the mother's death commits murder in the first degree constituting a capital felony, punishable as provided in s. 775.082.

(b) Which would be murder in the second degree if it resulted in the mother's death commits murder in the second degree, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Which would be murder in the third degree if it resulted in the mother's death commits murder in the third degree, ~~manslaughter~~, a

felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) *The unlawful killing of an unborn quick child, by any injury to the mother of such child which would be manslaughter if it resulted in the death of such mother, shall be deemed manslaughter. A person who unlawfully kills an unborn quick child by any injury to the mother which would be manslaughter if it resulted in the mother's death commits manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *The death of the mother resulting from the same act or criminal episode which caused the death of the unborn quick child shall not bar prosecution under this section.*

(4) *This section does not authorize the prosecution of any person in connection with a termination of pregnancy pursuant to chapter 390.*

Section 4. Paragraphs (g) and (h) 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 disfigurement, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

Florida Statute	Felony Degree	Description
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or <i>unborn quick child</i> 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.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
812.131(2)(a)	2nd	Robbery by sudden snatching.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
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.			(h) LEVEL 8
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.	316.193 (3)(c)3.a.	2nd	DUI manslaughter.
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.	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
872.06	2nd	Abuse of a dead human body.			
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.	777.03(2)(a)	1st	Accessory after the fact, capital felony.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.	782.071(1)(b) (2)	1st	Committing vehicular homicide and failing to render aid or give information.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.	800.04(4)	2nd	Lewd or lascivious battery.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
893.135 (1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less then 5 kilograms.	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
893.135 (1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.	812.13(2)(b)	1st	Robbery with a weapon.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.	812.135(2)	1st	Home-invasion robbery.
			825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
			825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
			837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
			837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
			860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

Florida Statute	Felony Degree	Description
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
893.135 (1)(i)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135 (1)(j)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

Section 5. Paragraph (b) of subsection (3) of section 960.03, Florida Statutes, is amended to read:

960.03 Definitions; ss. 960.01-960.28.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) “Crime” means:

(b) A violation of s. 316.193, s. 316.027(1), s. 327.35(1), s. 782.071(1)(b) ~~s. 782.071(2)~~, or s. 860.13(1)(a) which results in physical injury or death; however, no other act involving the operation of a motor

vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

And the title is amended as follows:

On page 1, line 2,

after the semicolon insert: amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a “vehicular homicide”; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; providing a claim for civil damages; amending ss. 921.0022, 960.03, F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of “crime” with respect to the Florida Crimes Compensation Act; conforming provisions to changes made by the act;

Rep. Andrews moved the adoption of the amendment, which failed to receive the necessary two-thirds vote for adoption.

The question recurred on the passage of SB 338. The vote was:

Session Vote Sequence: 471

Yeas—120

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Pickens
Arza	Diaz de la Portilla	Joyner	Prieguez
Attkisson	Diaz-Balart	Justice	Rich
Atwater	Dockery	Kallinger	Richardson
Ausley	Farkas	Kendrick	Ritter
Baker	Fasano	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Haygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner

Nays—None

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

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 210 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Saunders, Carlton and Crist—

SB 210—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; providing an effective date.

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

Session Vote Sequence: 472

Yeas—116

Alexander	Crow	Jennings	Negron
Allen	Cusack	Johnson	Paul
Andrews	Davis	Jordan	Peterman
Argenziano	Detert	Joyner	Pickens
Arza	Diaz de la Portilla	Justice	Prieguez
Attkisson	Diaz-Balart	Kallinger	Rich
Atwater	Dockery	Kendrick	Richardson
Ausley	Farkas	Kilmer	Ritter
Baker	Fasano	Kosmas	Romeo
Ball	Fields	Kottkamp	Ross
Barreiro	Flanagan	Kravitz	Rubio
Baxley	Frankel	Kyle	Russell
Bean	Gannon	Lacasa	Ryan
Bendross-Mindingall	Garcia	Lee	Seiler
Bennett	Gardiner	Lerner	Simmons
Bense	Gelber	Littlefield	Siplin
Benson	Gibson	Lynn	Slosberg
Berfield	Gottlieb	Machek	Smith
Betancourt	Green	Mack	Sobel
Bilirakis	Greenstein	Mahon	Sorensen
Bowen	Haridopolos	Mayfield	Spratt
Brown	Harper	Maygarden	Stansel
Brummer	Harrell	McGriff	Trovillion
Bucher	Harrington	Meadows	Wallace
Bullard	Hart	Mealor	Waters
Byrd	Henriquez	Melvin	Weissman
Cantens	Heyman	Miller	Wiles
Carassas	Hogan	Murman	Wilson
Clarke	Holloway	Needelman	Wishner

Nays—1

Fiorentino

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 510 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Burt and King—

SB 510—A bill to be entitled An act relating to Volusia County; directing the Board of County Commissioners to issue a certificate of public convenience and necessity to an applicant for licensure as a basic life support or advanced life support service that will operate in a municipality within the county that has a population greater than 30,000 upon request of the municipality, under specified conditions; providing an effective date.

Proof of publication of the required notice was attached.

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

Session Vote Sequence: 473

Yeas—116

The Chair	Clarke	Hogan	Needelman
Allen	Crow	Holloway	Negron
Andrews	Cusack	Jennings	Paul
Argenziano	Davis	Johnson	Peterman
Arza	Detert	Jordan	Pickens
Attkisson	Diaz de la Portilla	Joyner	Prieguez
Atwater	Diaz-Balart	Justice	Rich
Ausley	Dockery	Kallinger	Richardson
Baker	Farkas	Kendrick	Ritter
Ball	Fasano	Kilmer	Romeo
Barreiro	Fields	Kosmas	Ross
Baxley	Fiorentino	Kottkamp	Rubio
Bean	Flanagan	Kyle	Russell
Bendross-Mindingall	Frankel	Lacasa	Ryan
Bennett	Gannon	Lee	Seiler
Bense	Garcia	Lerner	Simmons
Benson	Gardiner	Littlefield	Siplin
Berfield	Gelber	Lynn	Slosberg
Betancourt	Gibson	Machek	Smith
Bilirakis	Goodlette	Mack	Sobel
Bowen	Gottlieb	Mahon	Sorensen
Brown	Green	Mayfield	Spratt
Brummer	Greenstein	Maygarden	Stansel
Brutus	Haridopolos	McGriff	Wallace
Bucher	Harper	Meadows	Waters
Bullard	Harrell	Mealor	Weissman
Byrd	Harrington	Melvin	Wiles
Cantens	Hart	Miller	Wilson
Carassas	Heyman	Murman	Wishner

Nays—1

Henriquez

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

Recalled from Senate

On motion by Rep. Hogan, the Senate was requested to return **CS for CS for SB 374**.

On motion by Rep. Byrd, the rules were waived and the House moved to the consideration of 'CS for SB 1692 on the order of—

Unfinished Business

CS for SB 1692—A bill to be entitled An act relating to pari-mutuel wagering; providing a title; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as "Greyhound Adopt-A-Pet Day"; requiring that profits derived from the

charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term "bona fide organization that promotes or encourages the adoption of greyhounds"; providing an effective date.

—was taken up, having been read the second time on May 2; now pending on point of order by Rep. Greenstein, under Rule 12.9, on Amendment 1 to Amendment 1 by Rep. Garcia (shown in the *Journal* on pages 1827-1828, May 2).

Subsequently, Rep. Greenstein withdrew the point of order.

REPRESENTATIVE BALL IN THE CHAIR

The question recurred on the adoption of Amendment 1 to Amendment 1.

Motion

Rep. Russell moved the previous question on the amendment to the amendment, which was agreed to.

The question recurred on the adoption of **Amendment 1 to Amendment 1**.

Rep. Diaz de la Portilla suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 474].

The question recurred on the adoption of **Amendment 1 to Amendment 1**, which failed of adoption. The vote was:

Session Vote Sequence: 475

Yeas—55

The Chair	Byrd	Harper	Needelman
Allen	Cantens	Henriquez	Paul
Argenziano	Carassas	Hogan	Pickens
Arza	Clarke	Johnson	Prieguez
Attkisson	Crow	Jordan	Ross
Barreiro	Cusack	Kravitz	Rubio
Bean	Davis	Lacasa	Russell
Bendross-Mindingall	Detert	Lee	Simmons
Bense	Diaz de la Portilla	Lerner	Siplin
Benson	Fields	Lynn	Slosberg
Betancourt	Fiorentino	Mahon	Sorensen
Bilirakis	Garcia	Mayfield	Stansel
Brutus	Gelber	Maygarden	Wilson
Bullard	Gibson	Murman	

Nays—58

Alexander	Gottlieb	Kosmas	Ritter
Atwater	Green	Kottkamp	Romeo
Ausley	Greenstein	Kyle	Ryan
Baker	Haridopolos	Littlefield	Seiler
Baxley	Harrell	Machek	Smith
Bennett	Harrington	Mack	Sobel
Brown	Hart	McGriff	Spratt
Brummer	Heyman	Meadows	Trovillion
Bucher	Holloway	Mealor	Wallace
Farkas	Jennings	Melvin	Waters
Flanagan	Joyner	Miller	Weissman
Frankel	Justice	Negron	Wiles
Gannon	Kallinger	Peterman	Wishner
Gardiner	Kendrick	Rich	
Goodlette	Kilmer	Richardson	

Votes after roll call:

Yeas—Berfield

Yeas to Nays—Fields

Representative(s) Kyle offered the following:

(Amendment Bar Code: 943879)

Amendment 2 to Amendment 1 (with title amendment)—On page 8 between lines 26 and 27,

insert:

Section 6. Contracts for appraisals.—

(1) *The Department of Business and Professional Regulation shall contract with qualified professionals for the purpose of obtaining an update of the appraisal of the lands and facilities known as Hialeah Park and the pari-mutuel permit held by Hialeah, Inc., utilizing the information filed in accordance with the provisions of s. 550.125 and the existing appraisal submitted as part of the comprehensive study of the feasibility of state or municipal ownership of Hialeah Park pursuant to s. 12, chapter 98-190. The department shall also review and recommend the procedures by which the state may purchase the described property and maintain its historical features.*

(2) *For the purpose of appraising the land and facilities of Hialeah Park, the department shall select an appraiser from a list of appraisers maintained by the Department of Environmental Protection, Division of State Lands, Bureau of Appraisals. Upon completion of the appraisal, such appraiser, and all subcontractors of the appraiser shall provide written certification to the department that the appraisal is in substantial compliance with the Uniform Standards of Professional Appraisal Practice.*

(3) *For the purpose of appraising the pari-mutuel permit, the department shall select an appraiser from among qualified persons who possess the requisite professional licenses and certifications to establish sufficient expertise to perform the appraisal of the value of the pari-mutuel permit.*

(4) *Neither the appraiser of the land and facilities nor the appraiser of the value of the pari-mutuel permit shall have any ex parte communications with any party holding a pari-mutuel permit until the conclusion of the appraisals, at which time the appraisals shall become a public record and available for inspection by all parties. All such appraisals shall be completed by November 15, 2001.*

(5) *In the conduct of the duties and responsibilities set out herein, the department and all employees, agents, and others shall be subject to the provisions of chapter 119, provided that the confidentiality of the appraisal and communications with such appraiser shall be governed by subsection (4).*

(6) *A final report by the department containing the information required under subsection (1) shall be filed with the Speaker of the House, the President of the Senate, and the Governor by January 15, 2002.*

(7) *There is hereby appropriated the sum of \$50,000 from the Pari-mutuel Wagering Trust Fund to the department for the purpose of contracting to obtain an update of the appraisal of the land and facilities and the pari-mutuel permit described in subsection (1) and for the purpose of preparing the report required under subsection (6).*

And the title is amended as follows:

On page 10, line 9, after the semicolon,

insert: requiring an updated real estate and permit appraisal for Hialeah Park; requiring a report with recommendations by the department; providing an appropriation;

Rep. Kyle 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) Garcia offered the following:

(Amendment Bar Code: 175361)

Amendment 2 (with title amendment)—On page 1, line 31, of the bill

insert:

Section 1. *There is hereby created a committee of the Legislature to study the condition of thoroughbred horse racing in South Florida within Miami-Dade and Broward Counties. Such committee shall be composed of three members of the House of Representatives, appointed by the Speaker of the House of Representatives, and three members of the Senate appointed by the President of the Senate. The committee shall appoint a chair and cochairs from its members and shall have the use of and support of the staffs of either chamber as the Speaker and the President shall determine. The committee shall hold hearings and hear testimony on the condition of South Florida thoroughbred racing in those counties and shall hear evidence regarding it. The committee shall issue a report to the Speaker and the President on or before June 15, 2002. The committee shall consider the historical, cultural, and economic importance of the industry to the state and whether any or all of the thoroughbred facilities in such counties shall be preserved or acquired by the state for the best interest of the people of the state.*

Section 6. Section 9 of chapter 98-190, Laws of Florida, is amended to read:

Section 9. Effective July 1, 2003 ~~2001~~, subsection (11) of s. 550.615, Florida Statutes, is repealed.

Section 7. Section 10 of chapter 2000-354, Laws of Florida, is amended to read:

Section 10. Effective July 1, 2003 ~~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.~~

And the title is amended as follows:

On page 1, line 2, after the semicolon,

insert: providing for a study of thoroughbred racing in Miami-Dade and Broward Counties; requiring a report; amending s. 9 of ch. 98-190, Laws of Florida; postponing repeal of provisions relating to intertrack wagering broadcasts; amending s. 10 of ch. 2000-354, Laws of Florida; postponing effective date of provisions modifying the tax on handle for live thoroughbred performances;

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

Session Vote Sequence: 476

Yeas—58

The Chair	Bendross-Mindingall	Brutus	Davis
Allen	Bense	Bullard	Detert
Andrews	Benson	Byrd	Diaz de la Portilla
Argenziano	Berfield	Cantens	Fiorentino
Arza	Betancourt	Carassas	Garcia
Attkisson	Bilirakis	Clarke	Gelber
Barreiro	Bowen	Crow	Gibson
Bean	Brown	Cusack	Harper

Henriquez	Lerner	Paul
Hogan	Lynn	Pickens
Johnson	Mahon	Prieguez
Jordan	Mayfield	Ross
Kravitz	Maygarden	Rubio
Lacasa	Murman	Russell
Lee	Needelman	Simmons

Nays—58

Alexander	Gottlieb	Kosmas	Ritter
Atwater	Green	Kottkamp	Romeo
Ausley	Greenstein	Kyle	Ryan
Baker	Haridopolos	Littlefield	Seiler
Baxley	Harrell	Machek	Smith
Bennett	Harrington	Mack	Sobel
Brummer	Hart	McGriff	Spratt
Bucher	Heyman	Meadows	Trovillion
Farkas	Holloway	Mealor	Wallace
Fields	Jennings	Melvin	Waters
Flanagan	Joyner	Miller	Weissman
Frankel	Justice	Negron	Wiles
Gannon	Kallinger	Peterman	Wishner
Gardiner	Kendrick	Rich	
Goodlette	Kilmer	Richardson	

THE SPEAKER IN THE CHAIR

On motion by Rep. Fasano, the rules were waived and CS for SB 1692, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 477

Yeas—75

Andrews	Diaz de la Portilla	Joyner	Ritter
Argenziano	Farkas	Justice	Romeo
Arza	Fasano	Kosmas	Ross
Attkisson	Fields	Kravitz	Russell
Atwater	Flanagan	Lee	Ryan
Ausley	Frankel	Lerner	Seiler
Baker	Gannon	Littlefield	Simmons
Bean	Garcia	Machek	Siplin
Bense	Gelber	Mack	Slosberg
Benson	Goodlette	Mahon	Smith
Betancourt	Gottlieb	Mayfield	Sobel
Bilirakis	Greenstein	McGriff	Sorensen
Brutus	Harrell	Meadows	Stansel
Bucher	Henriquez	Mealor	Wallace
Bullard	Heyman	Melvin	Waters
Cantens	Hogan	Paul	Weissman
Clarke	Holloway	Prieguez	Wilson
Cusack	Johnson	Rich	Wishner
Detert	Jordan	Richardson	

Nays—34

The Chair	Brummer	Harrington	Negron
Alexander	Byrd	Hart	Peterman
Allen	Carassas	Kallinger	Pickens
Ball	Crow	Kilmer	Rubio
Baxley	Dockery	Kottkamp	Spratt
Bendross-Mindingall	Gardiner	Kyle	Trovillion
Berfield	Gibson	Lynn	Wiles
Bowen	Green	Miller	
Brown	Haridopolos	Needelman	

Votes after roll call:

Yeas—Fiorentino, Harper, Maygarden
 Nays—Bennett, Murman
 Yeas to Nays—Benson, Frankel, Johnson
 Nays to Yeas—Haridopolos, Peterman

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

On motion by Rep. Byrd, the House moved to the consideration of SB 532 on Special Orders.

Special Orders

Continuation of Special Order Calendar

SB 532—A bill to be entitled An act creating the Outcome-Based Total Accountability Act; amending s. 216.023, F.S.; requiring state agencies to submit additional information in legislative budget requests; providing an effective date.

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

Session Vote Sequence: 478

Yeas—119

The Chair	Clarke	Hogan	Negron
Alexander	Crow	Holloway	Paul
Allen	Cusack	Jennings	Peterman
Andrews	Davis	Johnson	Pickens
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	

Nays—None

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

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

Messages from the Senate

The Honorable Tom Feeny, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1684 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Appropriations and Senators Klein and Crist—

CS for SB 1684—A bill to be entitled An act relating to teacher recruitment; creating the Transition to Teaching Program; encouraging participation by postsecondary education institutions and organizations that represent eligible employees or employ eligible applicants;

providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

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

Representative(s) Atwater offered the following:

(Amendment Bar Code: 950359)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Transition to Teaching Program; Legislative intent.—The Transition to Teaching Program is created to encourage and assist mid-career professionals who want to become teachers.*

Section 2. *Grants; eligible applicants.—*

(1) *The Commissioner of Education shall design the process for receiving and evaluating grant proposals in accordance with state and federal appropriations guidelines. Grants may be awarded only to the extent that funding is provided.*

(2) *The Commissioner of Education shall request proposals from eligible applicants to participate in the program. Each application must:*

(a) *Describe the target group of career-changing professionals upon which the applicant will focus in carrying out its program, including a description of the characteristics of the target group that shows how the knowledge and experience of its members are likely to improve their ability to become effective teachers.*

(b) *Describe how the applicant will identify and recruit program participants.*

(c) *Describe how the applicant will ensure that program participants are placed and teach in eligible school districts in this state.*

(d) *Describe the teacher support services that program participants will receive throughout at least their first year of teaching.*

(e) *Describe how the applicant will collaborate with other institutions, agencies, or organizations to recruit, train, place, and support program participants, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program.*

(3) *The Commissioner of Education must require an evaluation process to measure the progress and effectiveness of the program. This evaluation must include:*

(a) *The program's goals and objectives.*

(b) *The performance indicators that the applicant will use to measure the program's progress.*

(c) *The outcome measures that will be used to determine the program's effectiveness.*

(d) *An assurance that the applicant will provide the commissioner with information the commissioner finds necessary to determine the overall effectiveness of the programs.*

Section 3. *Program implementation; authorized expenditures.—*

(1) *An applicant shall estimate the funds required for the proposed program. All funds provided for a program must be used as authorized in federal guidelines.*

(2) *Eligible applicants are encouraged to implement the program using the following components:*

(a) *Recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that will train, place, and support them in the teaching profession.*

(b) *Assisting providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching.*

(c) *Placement activities, including identifying eligible local education agencies with a need for the skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those school districts.*

(d) *Post-placement support activities for program participants.*

Section 4. *Eligible participants; requirements for grant repayment.—*

(1) *Each participant who receives a grant from the program to pursue a teacher-preparation program must agree to teach in an eligible school district in this state for at least 3 years after certification. To be eligible, a school district must meet the requirements established in regulations that implement the Omnibus Appropriations Bill of 2000.*

(2) *The commissioner shall establish conditions under which a participant must repay all or a portion of the training stipend if the participant fails to complete his or her service obligation.*

Section 5. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2,
remove the entire title from the bill

and insert in lieu thereof: An act relating to teacher recruitment; creating the Transition to Teaching Program; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

Rep. Atwater moved the adoption of the amendment, which was adopted.

On motion by Rep. Atwater, the rules were waived and CS for SB 1684, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 479

Yeas—120

The Chair	Cantens	Harrington	McGriff
Alexander	Carassas	Hart	Meadows
Allen	Clarke	Henriquez	Mealor
Andrews	Crow	Heyman	Melvin
Argenziano	Cusack	Hogan	Miller
Arza	Davis	Holloway	Murman
Attkisson	Detert	Jennings	Needelman
Atwater	Diaz de la Portilla	Johnson	Negron
Ausley	Diaz-Balart	Jordan	Paul
Baker	Dockery	Joyner	Peterman
Ball	Farkas	Justice	Pickens
Barreiro	Fasano	Kallinger	Prieguez
Baxley	Fields	Kendrick	Rich
Bean	Fiorentino	Kilmer	Richardson
Bendross-Mindingall	Flanagan	Kosmas	Ritter
Bennett	Frankel	Kottkamp	Romeo
Bense	Gannon	Kravitz	Ross
Benson	Garcia	Kyle	Rubio
Berfield	Gardiner	Lacasa	Russell
Betancourt	Gelber	Lee	Ryan
Bilirakis	Gibson	Lerner	Seiler
Bowen	Goodlette	Littlefield	Simmons
Brown	Gottlieb	Lynn	Siplin
Brummer	Green	Machek	Slosberg
Brutus	Greenstein	Mack	Smith
Bucher	Haridopolos	Mahon	Sobel
Bullard	Harper	Mayfield	Sorensen
Byrd	Harrell	Maygarden	Spratt

Stansel	Wallace	Weissman	Wilson
Trovillion	Waters	Wiles	Wishner

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of CS for SB 1562.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1562 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Regulated Industries and Senator Burt—

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

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

Representative(s) Slosberg and Brummer offered the following:

(Amendment Bar Code: 245935)

Amendment 1—On page 1, lines 24-26,
remove from the bill: all of said lines

and insert in lieu thereof: *Auditor General for any purpose relating to verifying settlement payments made pursuant to the settlement agreement is confidential and exempt from the provisions of s.*

Rep. Slosberg moved the adoption of the amendment, which was adopted.

On motion by Rep. Slosberg, the rules were waived and CS for SB 1562, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 480

Yeas—108

The Chair	Bullard	Harrington	McGriff
Alexander	Byrd	Hart	Meadows
Allen	Cantens	Heyman	Mealor
Andrews	Clarke	Hogan	Melvin
Argenziano	Crow	Holloway	Miller
Arza	Cusack	Jennings	Murman
Attkisson	Davis	Johnson	Needelman
Atwater	Detert	Jordan	Negron
Ausley	Diaz de la Portilla	Joyner	Paul
Baker	Diaz-Balart	Kallinger	Peterman
Ball	Farkas	Kilmer	Pickens
Barreiro	Fasano	Kosmas	Prieguez
Baxley	Fiorentino	Kottkamp	Rich
Bendross-Mindingall	Frankel	Kravitz	Richardson
Bennett	Gannon	Kyle	Ritter
Bense	Garcia	Lacasa	Romeo
Benson	Gardiner	Lee	Ross
Berfield	Gelber	Lerner	Rubio
Betancourt	Gibson	Littlefield	Russell
Bilirakis	Gottlieb	Lynn	Ryan
Bowen	Green	Machek	Seiler
Brown	Greenstein	Mack	Simmons
Brummer	Haridopolos	Mahon	Siplin
Brutus	Harper	Mayfield	Slosberg
Bucher	Harrell	Maygarden	Sobel

Spratt	Wallace	Weissman	Wilson
Trovillion	Waters	Wiles	Wishner

Nays—9

Bean	Flanagan	Justice	Smith
Carassas	Henriquez	Kendrick	Stansel
Dockery			

Votes after roll call:

Yeas—Fields

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 657, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 657—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

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

and insert:

Section 1. Section 11.2421, Florida Statutes, is amended to read:

11.2421 Florida Statutes 2001 ~~1999~~ adopted.—The accompanying revision, consolidation, and compilation of the public statutes of ~~1999 1997~~ of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes ~~1999 1997~~ enacted in additional reviser’s bill or bills by the ~~2001 1999~~ Legislature, is adopted and enacted as the official statute law of the state under the title of “Florida Statutes ~~2001 1999~~” and shall take effect immediately upon publication. Said statutes may be cited as “Florida Statutes ~~2001 1999~~,” “Florida Statutes,” or “F.S. ~~2001 1999~~.”

Section 2. Section 11.2422, Florida Statutes, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the regular ~~1999 1997~~ legislative session, and every part of such statute, not included in Florida Statutes ~~2001 1999~~, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 3. Section 11.2424, Florida Statutes, is amended to read:

11.2424 Laws not repealed.—Laws enacted at the *January 2000* ~~November 1997~~ special session, the ~~2000 1998~~ regular session, and the ~~2001 1999~~ regular session are not repealed by the adoption and enactment of the Florida Statutes ~~2001 1999~~ by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 4. Section 11.2425, Florida Statutes, is amended to read:

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes ~~2001 1999~~, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

Section 5. *The Division of Statutory Revision is requested to prepare for introduction at the 2002 Regular Session of the Legislature an adoption act that adopts the public statutes of 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 the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 1999 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the January 2000 Special Session, the 2000 Regular Session, and the 2001 Regular Session are not repealed by this adoption act; requesting the Division of Statutory Revision to prepare an adoption act for introduction at the 2002 Regular Session.

WHEREAS, the Legislature intends to begin annually adopting the Florida Statutes of 2 years preceding the year in which the adoption act is enacted, NOW, THEREFORE,

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 405209)

House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 1, lines 21 and 26, and on page 2, line 6, remove from the amendment: ~~1999~~

and insert in lieu thereof: ~~2000~~

And the title is amended as follows:

On page 3, lines 16-28, of the amendment remove: all of said lines

and insert in lieu thereof: 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the January 2000 Special Session, the 2000 Regular Session, and the 2001 Regular Session are not repealed by this adoption act; requesting the Division of Statutory Revision to prepare an adoption act for introduction at the 2002 Regular Session.

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

On motion by Rep. Goodlette, the House concurred in Senate Amendment 1, as amended.

The question recurred on the passage of HB 657. The vote was:

Session Vote Sequence: 481

Yeas—120

The Chair	Brown	Gannon	Justice
Alexander	Brummer	Garcia	Kallinger
Allen	Brutus	Gardiner	Kendrick
Andrews	Bucher	Gelber	Kilmer
Argenziano	Bullard	Gibson	Kosmas
Arza	Byrd	Goodlette	Kottkamp
Attkisson	Cantens	Gottlieb	Kravitz
Atwater	Carassas	Green	Kyle
Ausley	Clarke	Greenstein	Lacasa
Baker	Crow	Haridopolos	Lee
Ball	Cusack	Harper	Lerner
Barreiro	Davis	Harrell	Littlefield
Baxley	Detert	Harrington	Lynn
Bean	Diaz de la Portilla	Hart	Machek
Bendross-Mindingall	Diaz-Balart	Henriquez	Mack
Bennett	Dockery	Heyman	Mahon
Bense	Farkas	Hogan	Mayfield
Benson	Fasano	Holloway	Maygarden
Berfield	Fields	Jennings	McGriff
Betancourt	Fiorentino	Johnson	Meadows
Bilirakis	Flanagan	Jordan	Mealor
Bowen	Frankel	Joyner	Melvin

Miller	Rich	Seiler	Stansel
Murman	Richardson	Simmons	Trovillion
Needelman	Ritter	Siplin	Wallace
Negron	Romeo	Slosberg	Waters
Paul	Ross	Smith	Weissman
Peterman	Rubio	Sobel	Wiles
Pickens	Russell	Sorensen	Wilson
Prieguez	Ryan	Spratt	Wishner

Nays—None

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

On motion by Rep. Hart, the House moved to the consideration of SB 1738.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1738, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Bronson—

SB 1738—A bill to be entitled An act relating to information technology; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term “information technology”; amending s. 287.012, F.S.; defining “invitation to negotiate” and “request for a quote”; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross references; providing an effective date.

—was read the first time by title.

Rep. Hart moved to waive the rules and read SB 1738 a second time by title, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 482

Yeas—77

The Chair	Brummer	Haridopolos	Melvin
Alexander	Byrd	Harrell	Miller
Allen	Cantens	Harrington	Murman
Andrews	Carassas	Hart	Needelman
Argenziano	Clarke	Hogan	Negron
Arza	Crow	Johnson	Paul
Attkisson	Davis	Jordan	Pickens
Atwater	Detert	Kallinger	Prieguez
Baker	Diaz de la Portilla	Kilmer	Ross
Ball	Diaz-Balart	Kottkamp	Rubio
Barreiro	Dockery	Kravitz	Russell
Baxley	Farkas	Kyle	Simmons
Bean	Fasano	Lacasa	Sorensen
Bennett	Fiorentino	Littlefield	Spratt
Bense	Flanagan	Lynn	Trovillion
Benson	Garcia	Mack	Wallace
Berfield	Gardiner	Mahon	Waters
Bilirakis	Gibson	Mayfield	
Bowen	Goodlette	Maygarden	
Brown	Green	Mealor	

Nays—43

Ausley	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner
Gelber	Kosmas	Ryan	

Thereupon, the Speaker referred SB 1738 to the Calendar of the House.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 41; CS/HB 245; HBs 387, 393, and 403; CS/CS/HB 411; CS/HJR 471 and passed CS/CS/HB 503 by the required three-fifths vote of the members of the Senate; passed CS/CS/HB 719; HB 1221; CS/HB 1385; HB 1429; CS/HB 1633; HB 1635; and CS/HB 1805.

Faye W. Blanton, Secretary

The above bills and joint resolution were ordered enrolled.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has refused to concur in House Amendment 1 to CS for SB 466.

The President has appointed the following Senators on the part of the Senate: Senator Garcia, Chairman, Senators Carlton, Lawson, Posey, and Smith.

Faye W. Blanton, Secretary

Motion to Adjourn

Rep. Goodlette moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 11:00 a.m., Friday, May 4. The motion was agreed to.

Recorded Votes

Rep. Alexander:

Change from Nays to Yeas—Amendment 1 to CS for SB 466

Rep. Atwater:

Yeas—CS for SB 1012

Rep. Ball:

Yeas—SB 540; SB 1516; CS for SB 1852

Rep. Bendross-Mindingall:

Yeas—CS for SB 302

Rep. Benson:

Yeas—motion to reconsider the vote by which the motion to read CS for CS for SB 1038 a second time failed of adoption; Amendment 1 to Amendment 1 to CS/HB 1819

Rep. Berfield:

Yeas—HB 1785

Nays—Amendment 2 to HB 159

Change from Yeas to Nays—passage of CS/CS/HB 1053 after reconsideration

Rep. Bucher:

Change from Yeas to Nays—SB 1200

Rep. Cusack:

Yeas—HB 853; HB 891; CS for SB 1610

Change from Yeas to Nays—SB 1200

Rep. Diaz de la Portilla:

Yeas—CS/CS/HB 179; CS for SB 302; CS for CS for SB 400; CS for SB 466

Rep. Fields:

Change from Yeas to Nays—SB 1200

Rep. Gannon:

Yeas—CS/HB 137; HB 559; CS/HB 795; HB 821; HB 853; HB 941; SB 1166; CS for SB 1274

Change from Yeas to Nays—CS for CS for SB 710; SB 1200

Change from Nays to Yeas—CS for SB 1568

Rep. Gardiner:

Yeas—HB 863

Rep. Gelber:

Change from Yeas to Nays—SB 1200

Rep. Gottlieb:

Change from Yeas to Nays—CS for SB 1226

Rep. Harper:

Yeas—HB 163

Change from Yeas to Nays—Amendment 1 to CS for SB 466

Rep. Heyman:

Change from Yeas to Nays—SB 1200

Rep. Hogan:

Nays—HB 757

Rep. Joyner:

Yeas—CS/HB 795; HB 821; HB 853; CS for SB 1226; HR 9067

Nays—CS for CS for SB 710

Change from Yeas to Nays—SB 1200

Rep. Lerner:

Change from Yeas to Nays—SB 1200

Rep. Lynn:

Yeas—HB 489; Amendment 2 to CS for SB 924; CS for SB 1610; HB 1943

Nays—Amendment 1 to CS for SB 924

Rep. Mahon:

Yeas—HB 863

Rep. Miller:

Change from Nays to Yeas—Amendment 1 to CS for SB 466

Rep. Rich:

Change from Yeas to Nays—SB 1200

Rep. Romeo:

Change from Yeas to Nays—SB 1200

Rep. Sobel:

Change from Yeas to Nays—SB 1200

Rep. Spratt:

Yeas—HB 863; passage of CS/CS/HB 1053 after reconsideration; HB 1519; CS for CS for SB 1878

Rep. Trovillion:

Yeas—Amendment 1 to Amendment 2 to HB 69; motion to lay on the table Amendment 1 to HJR 951; motion to lay on the table Amendment 2 to HJR 951; HB 1707; HB 1717; HB 1731; HB 1733; HB 1737; HB 1743; HB 1745; HB 1749; HB 1825

Rep. Wiles:

Change from Yeas to Nays—CS/HB 1361

Rep. Wishner:

Yeas—HB 1419

Change from Nays to Yeas—CS for CS for SB 400

Explanation of Vote on CS for CS for CS for SB 1202

I promised reform would be forthcoming this Session on the issues surrounding the quality of care provided our elders in this state. Committee Substitute for Senate Bill 1202 was passed by the House today. This bill, while not perfect, does deliver reforms I promised to support—and takes Florida in the right direction on these crucial issues. I voted for this bill but I still have many concerns and feel much still needs our attention. The funding provided, \$60m, pays for an increase in staffing hours but brings our nursing homes back to the Legislature for funding the next two years (to eventually reach full funding for the federally recommended staffing numbers). Funding is key to the reforms we seek. We need to address this issue at both state and federal levels. The \$60m being provided is not enough. Our Medicaid reimbursement rates are too low, leaving the state's homes competing unfairly for qualified staff. I have been outspoken in my advocacy for our nonprofit homes, and hold strong reservations regards the lack of more specific protections for these providers under the provisions of this bill. They may not benefit from much relief in their struggles to maintain liability insurance. While tort reform is included in the bill, we will simply have to wait and see if these reforms mean the return of insurance companies to Florida. I supported these measures in the belief that we must seek reasonable balance in our situation and work forward from here. I hope the outcomes are what we expect.

*Rep. Lorraine Ausley
District 9*

Explanation of Vote on HB 1811

The creation of a centralized State Technology Office (STO) is a mammoth undertaking. I voted against the original bill [HB 1811] in committee, voicing my concerns about the competitive procurement process as well as the lack of oversight. I worked with staff and Members on these issues, which have been addressed in the final bill. On the procurement issue, the bill requires the STO to go through the official rulemaking process to develop rules and specific guidelines for the procurement process. On the oversight issue, the legislation provides for several levels of oversight by both legislative appropriations committees, the Technology Review Workgroup, and the Legislative Budget Commission. I have thoroughly enjoyed my service as the lead Democrat on the House Information Technology Committee, and I am proud of the work we have done. I still have some concerns about the new STO, and will closely monitor the rulemaking process and other developments.

*Rep. Loranne Ausley
District 9*

Explanation of Vote on CS for CS for CS for SB 1202

The Florida House took a positive step towards improving the Elder Care Crisis in Florida through the passage of Senate Bill 1202. I supported this bill with several reservations, because I knew that the Industry needed some form of immediate relief. I am concerned that the bill places for profit nursing homes and non-profit Continuing Care Retirement Communities together, without taking into account the vast differences represented by these different types of care facilities. The bill does improve staffing levels and pay, but I believe we could have done more to provide greater standards for quality of care. We should have also increased the Medicaid reimbursement, which would have allowed more increases in staffing, and improved the level of patient care. I believe that Congress needs to re-evaluate the long-term care compensation cuts that occurred in the 1997 Balanced Budget, which has contributed to the financial difficulties of our elder care homes. I look forward to working next session towards more improvements to enhance elderly care.

*Rep. Joyce Cusack
District 26*

Prime Sponsors

HB 1689—Arza

Cosponsors

HB 61—Spratt
 HB 65—Hogan
 CS/HB 79—Brummer, Fiorentino
 CS/HB 147—Fiorentino
 HB 159—Sobel
 HB 251—Baker
 CS/CS/HB 267—Lynn
 CS/HJR 295—Cantens
 HB 505—Bendross-Mindingall
 HB 507—Bowen, Clarke
 CS/HB 573—Cantens
 HB 593—Fiorentino
 CS/HB 987—Lynn
 CS/CS/HB 1509—Lynn
 HB 1669—Baker
 HB 1689—Andrews, Attkisson, Ausley, Bennett, Bense, Bowen, Bullard, Clarke, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Farkas, Fiorentino, Flanagan, Garcia, Gardiner, Gelber, Gibson, Green, Greenstein, Haridopolos, Hart, Henriquez, Holloway, Jennings, Kallinger, Kilmer, Kottkamp, Kravitz, Kyle, Mack, Mahon, Meadows, Melvin, Miller, Murman, Needelman, Negron, Paul, Pickens, Richardson, Ritter, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Weissman, Wishner
 HB 1811—Fiorentino
 HB 1823—Fiorentino

HB 1845—Fiorentino

HR 9079—Bean, Harrell, Mack, Maygarden, McGriff, Stansel

Withdrawals as Cosponsor

CS/HB 135—Gottlieb

Introduction and Reference

By Representative Jennings—

HR 9085—A resolution honoring the memory of Stephen C. O'Connell.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gibson—

HR 9087—A resolution recognizing the accomplishments of Florida's Hometown U.S.A. participants.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Alexander—

HR 9089—A resolution recognizing the efforts of Thomas B. Mack in compiling the Florida Citrus Archives.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Farkas—

HR 9091—A resolution designating the week of June 3-9, 2001, as "Chamber of Commerce Week" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Fasano—

HR 9093—A resolution honoring Florida veterans.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative McGriff—

HR 9095—A resolution recognizing the 25th anniversary of the College of Veterinary Medicine of the University of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Miller, Johnson, Barreiro, Diaz de la Portilla, Bean, Hart, Bense, Russell, Haridopolos, Bennett, Ryan, Sobel, Gelber, Greenstein, Kosmas, Frankel, Mack, Paul, Garcia, Kendrick, Stansel, Benson, Hogan, Allen, Carassas, and Spratt—

HR 9097—A resolution commemorating the life of Dale Earnhardt and designating July 3, 2001, as "Dale Earnhardt Day" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Baxley—

HR 9099—A resolution recognizing the Kiwanis for their teacher appreciation efforts.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Goodlette and Frankel—

HR 9101—A resolution urging the continued protection of Florida's Gulf of Mexico coastline.

First reading by publication (Art. III, s. 7, Florida Constitution).

Reference

HB 1987—Referred to the Calendar of the House

First Reading of Council and Committee Substitutes by Publication

By the Committee on Health Regulation; Representative Justice—

CS/HB 813—A bill to be entitled An act relating to pharmacists; providing a short title; creating s. 465.0165, F.S.; defining the term “pharmaceutical adverse incident” and requiring that such incidents be reported to the Department of Health; providing that such incident reports are not discoverable or admissible in any civil or administrative action, except disciplinary proceedings; requiring the department to review reported incidents to determine if the incidents potentially involve conduct by a health care practitioner that is subject to disciplinary action; specifying that any disciplinary action shall be taken by the appropriate board; providing for the adoption of rules and forms; requiring the department to publish pharmaceutical adverse incident information on its website; providing exemptions from reporting requirements; providing contingent effective dates.

Reports of Councils and Standing Committees**Committee Reports****Received May 3:**

The Committee on Health Regulation recommends a committee substitute for the following:

HB 813

The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, HB 813 was laid on the table.

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time:

CS/SB 466 (public employment): Rep. Diaz-Balart, Chair; Reps. Brummer, Cantens, Kyle, and Seiler.

CS/SB 1118 (elections): Rep. Byrd, Chair; Reps. Goodlette, Rubio, and Smith.

SBs 2000 and 2002 (appropriations): Rep. Lacasa, Chair; At Large—Reps. Fasano, Greenstein, Murman, Wallace, Wilson, and Sobel (alternate); Transportation & Economic Development Appropriations—Rep. Johnson, Chair, Reps. Bense, Hart, Jennings, Ritter, Rubio, Berfield (alternate), and Hogan (alternate); Health & Human Services Appropriations—Rep. Maygarden, Chair, Reps. Brummer, Farkas, Green, Rich, Slosberg, Benson (alternate), Brutus (alternate), and Garcia (alternate); Education Appropriations—Rep. Lynn, Chair, Reps. Alexander, Flanagan, Justice, Melvin, Stansel, Arza (alternate), Bucher (alternate), and Meador (alternate); Criminal Justice Appropriations—Rep. Ball, Chair, Reps. Barreiro, Bilirakis, Mahon, Meadows, Seiler, and Bowen (alternate); General Government Appropriations—Rep. Dockery, Chair, Reps. Holloway, Kilmer, Miller, Siplin, Spratt, and Brown (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 7:30 p.m., to reconvene at 11:00 a.m., Friday, May 4.



The Journal OF THE House of Representatives

Number 24

Friday, May 4, 2001

The House was called to order by the Speaker at 11:00 a.m.

Prayer

The following prayer was offered by Father Paul E. Edwards of St. Jerome Catholic Church of Fort Lauderdale, upon invitation of Rep. Rubio:

Life-giving Creator, at the end of this legislative term, we come before You with grateful hearts. Thank You for the wonder and beauty of Florida nature; for Kissimmee and Lake Okeechobee; for the Everglades and the Keys; for the live oaks, the palms, and the pines; for the panthers and the flamingos; for all these and so much more, we thank You. Thank You for all the diverse peoples of our state; for the native peoples who first dwelt here; for the early explorers and settlers; for the immigrants seeking freedom and opportunity; for the tourists and snowbirds seeking warmth and rest; for these and for everyone in our state, we thank You. Thank You for those who serve the common good; for the Governor and Legislators; for the judges, the mayors, and town councils; for the police, fire and emergency personnel; for health care professionals, teachers and clergy; for all these and so many more, we thank You. Thank You for the precious gift of our lives; for life in the womb and in the cradle; for life in the day care centers and in schools; for life in the homes and workplaces; for life in the slums and in the prisons; for life in hospitals and nursing homes; for life in strength and in vigor; for life in weakness and debility, we thank You. Gracious God, may our gratitude for life be demonstrated in our care, defense, and support of this precious gift in all of its manifestations. Amen.

The following Members were recorded present:

Session Vote Sequence: 483

The Chair	Bilirakis	Farkas	Harrington
Alexander	Bowen	Fasano	Hart
Allen	Brown	Fields	Henriquez
Andrews	Brummer	Fiorentino	Heyman
Argenziano	Brutus	Flanagan	Hogan
Arza	Bucher	Frankel	Holloway
Atwater	Bullard	Gannon	Jennings
Ausley	Byrd	Garcia	Johnson
Baker	Cantens	Gardiner	Jordan
Ball	Carassas	Gelber	Joyner
Barreiro	Clarke	Gibson	Justice
Bean	Crow	Goodlette	Kallinger
Bendross-Mindingall	Cusack	Gottlieb	Kendrick
Bennett	Davis	Green	Kilmer
Bense	Detert	Greenstein	Kosmas
Benson	Diaz de la Portilla	Haridopolos	Kottkamp
Berfield	Diaz-Balart	Harper	Kravitz
Betancourt	Dockery	Harrell	Kyle

Lacasa	Melvin	Romeo	Sorensen
Lerner	Miller	Ross	Spratt
Littlefield	Murman	Rubio	Stansel
Lynn	Needelman	Russell	Trovillion
Machek	Negron	Ryan	Wallace
Mahon	Peterman	Seiler	Waters
Mayfield	Pickens	Simmons	Weissman
Maygarden	Prieguez	Siplin	Wiles
McGriff	Rich	Slosberg	Wilson
Meadows	Richardson	Smith	Wishner
Mealor	Ritter	Sobel	

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

A quorum was present.

Pledge

The Members, led by Kristen Browne of Tallahassee, Jeremy C. Fowler of Clermont, Sarah A. Fowler of Clermont, Joseph Leuchter of Coral Springs, and Jaika S. Selesky of Miami, pledged allegiance to the Flag. Kristen Browne served at the invitation of Rep. Hart. Jeremy C. Fowler and Sarah A. Fowler served at the invitation of Speaker Feeney. Joseph Leuchter served at the invitation of Rep. Meadows. Jaika S. Selesky served at the invitation of Rep. Barreiro.

Correction of the Journal

The *Journal* of May 3 was corrected and approved as follows: On page 1855, column 2, between lines 24 and 25 from the bottom, insert: REPRESENTATIVE BALL IN THE CHAIR

And on page 1856, column 1, line 30 from the top, delete "REPRESENTATIVE BALL IN THE CHAIR"

Motions

On motion by Rep. Byrd, the rules were waived and **HR 9075, HR 9077, HR 9079, HR 9081, HR 9083, HR 9085, HR 9087, HR 9089, HR 9091, HR 9093, HR 9095, HR 9097, HR 9099,** and **HR 9101** were to be read and adopted by publication pursuant to Rule 10.20 subject to an objection deadline of 5:00 p.m., Friday, May 4.

On motion by Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, the rules were waived and the following remarks were ordered spread upon the *Journal*.

Statement of Legislative Intent on CS for SB 1530

Amendments were placed on HB 579 which provided for the coordination of the Uniform Commercial Code Bill and CS for CS for SB 108, the structured settlement bill. On May 1, 2001, to ensure passage of the structured settlement bill, the substance of CS for CS for SB 108 was placed on CS for SB 1530.

I want the record to reflect that, notwithstanding the change in the bill number, the amendments placed on HB 579 referring to CS for CS for SB 108 are nevertheless effective since CS for CS for SB 108 and CS for SB 1530 have the same provisions.

*Rep. Donald "Don" Brown
District 5*

Rep. Byrd moved that the House consider lists one and two and return to consideration of Messages from the Senate, which was agreed to without objection.

Recalled from Senate

On motion by Rep. Goodlette, the Senate was requested to return **HB 1861**.

Messages from the Senate

Conference Committee Report on CS for SB 1118

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has accepted the Conference Committee Report as an entirety and passed CS for SB 1118 as amended by the Conference Committee Report.

Faye W. Blanton, Secretary

On motion by Rep. Byrd, the House took up the following Report of the Conference Committee on CS for SB 1118:

*The Honorable John M. McKay
President of the Senate*

May 3, 2001

*The Honorable Tom Feeney
Speaker, House of Representatives*

Dear Mr. President and Mr. Speaker:

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

An act relating to elections

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

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

Bill Posey, Chairman

Johnnie Byrd, Jr., Vice Chairman

Lisa Carlton

Dudley Goodlette

Jim Sebesta

Marco Rubio

Rod Smith

Chris Smith

Managers on the part of the Senate

Managers on the part of the House of Representatives

SUMMARY OF CONFERENCE COMMITTEE ACTION

Voting Systems

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

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

Provisional Ballots

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

Recounts

The same manner of recount will be done in each affected jurisdiction. For statewide elections, recounts will be conducted in every county in Florida to insure fair and equal treatment of all Florida voters. For multicounty races, all counties comprising the district of the candidacy or ballot measure will be required to recount. An automatic machine recount will be conducted if the margin of victory is 1/2 of one percent or less. An automatic manual recount will be conducted of overvotes and undervotes if the margin of victory is 1/4 of one percent or less. If the margin of victory is between 1/4 and 1/2 of one percent, an affected candidate or party is entitled to a manual recount if timely and properly requested.

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

Certification Deadlines

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

Second Primary Election

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

Military and Overseas Voting

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

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

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

Absentee Ballots

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

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

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

Pollworker Training

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

Voter Education

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

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

Elections Canvassing Commission

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

Election Contests

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

Statewide Voter Registration Database

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

Time Zone Study

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

Polling Place Procedures

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

Voter Registration

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

Public Financing

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

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

and insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

100.361 Municipal recall.—

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

“ . . .(name of person). . . should be removed from office.”

“ . . .(name of person). . . should not be removed from office.”

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

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

101.015 Standards for voting systems.—

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

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

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

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

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

(2)(3)(a) Beneath the caption and preceding the names of candidates shall be the following words: “To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose.” The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading “Electors for President and Vice President” and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party *that which* received the highest vote for Governor in the last general election of the Governor in this state, ~~above which shall appear the name of said party.~~ Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for

write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading “Congressional” and thereunder the offices of United States Senator and Representative in Congress; then the heading “State” and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading “Legislative” and thereunder the offices of state senator and state representative; then the heading “County” and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, and such other county *and district* offices as are involved in the general election, in the order fixed by the Department of State, *followed, in the year of their election, by “Party Offices,” and thereunder the offices of state and county party executive committee members. When a write-in candidate has qualified for any office, a subheading “Write-in Candidate for . . .(name of office). . .” shall be provided followed by a blank space in which to write the name of the candidate. In addition to the names printed on the ballot, a blank space shall be provided under each heading for an office for which a write-in candidate has qualified.* With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

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

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

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

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

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

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

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

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

and Vice President and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.

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

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

1. Clear and unambiguous ballot instructions and directions;
2. Individual race layout; and
3. Overall ballot layout.

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

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

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

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

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

101.21 Official ballots; number; printing; payment.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101.49 Procedure of election officers where signatures differ.—

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

STATE OF FLORIDA,
COUNTY OF

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

. . . (Signature of voter). . .

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

. . . (Clerk or inspector of election). . .

Precinct No.

County of

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

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

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

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

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

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

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

101.5604 Adoption of system; procurement of equipment; commercial tabulations.—The board of county commissioners of any county, at any regular meeting or a special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county. Thereafter the electronic or electromechanical voting system may be used for voting at all elections for public and party offices and on all measures and for receiving, registering, and counting the votes thereof in such election precincts as the governing body directs. *A county must use an electronic or electromechanical precinct-count tabulation voting system. Any such board may contract for the tabulation of votes at a location within the county when there is no suitable tabulating equipment available which is owned by the county.*

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

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

101.5606 Requirements for approval of systems.—

No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(1) It permits and requires voting in secrecy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(4), the supervisor of elections shall send by certified mail to the Department of State a copy of the tabulation program which was used in the logic and accuracy testing.

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

101.5608 Voting by electronic or electromechanical method; procedures.—

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

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

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

101.5612 Testing of tabulating equipment.—

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

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

(3) *For electronic or electromechanical voting systems configured to tabulate absentee ballots at a central or regional site, the public testing shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and to include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and again after the completion of the official count.*

The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.

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

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

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

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

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

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

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

~~(2)—The test shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to~~

~~reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the county canvassing board.~~

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

101.5614 Canvass of returns.—

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

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

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

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

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

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

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

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

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

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

101.595 Analysis and reports of voter error.—

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

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

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

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

(c) Recommendations for correcting any problems identified.

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

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

101.71 Polling place.—

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

days prior to an election, to each registered elector or to each household in which there is a registered elector.

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

101.75 Municipal elections; change of dates for cause.—

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

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

102.012 Inspectors and clerks to conduct elections.—

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

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

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

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

103.101 Presidential preference primary.—

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

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

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT
No. Party
.... COUNTY, FLORIDA
Precinct No.
... (Date) ...
... (Signature of Voter) ... (Initials of Issuing Official) ...

Stub No. 1
OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT
No. Party
.... COUNTY, FLORIDA
Precinct No.
... (Date) ...
... (Initials of Issuing Official) ...

Stub No. 2
OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT

.... Party
.... COUNTY, FLORIDA
Precinct No.
... (Date) ...

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

For President
... (Name of Candidate) ...
... (Name of Candidate) ...

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

... (Name of Delegate) ... (Name of Candidate) ...

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

104.30 Voting system machine; unlawful possession; tampering.—

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

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

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

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

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

582.18 Election of supervisors of each district.—

(1)

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

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

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

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

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

(1) “Absent elector” means any registered and qualified voter who casts an absentee ballot.:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) “Department” means the Department of State.

(6) “Division” means the Division of Elections of the Department of State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(19) "Overseas voter" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101.048 *Provisional ballots.*—

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

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

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

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

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

STATE OF FLORIDA
COUNTY OF . . .

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

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

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

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

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

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

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

Change of Legal Residence of Registered Voter

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

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

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

Change of Name of Registered Voter

Under penalties for false swearing, I, . . . (New name of voter). . . , swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration books of precinct . . . as follows:

Name
Address
Municipality
County
Florida, Zip

My present name and address of legal residence are as follows:
Name
Address
Municipality
County
Florida, Zip

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

. . . (Signature of voter whose name has changed). . .

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

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

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

supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.

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

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

101.5614 Canvass of returns.—

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

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

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

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

(5) If any ballot card of the type for which the offices and measures are not printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and measures are printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card in the presence of witnesses and in the manner set forth above, or the valid

votes on the damaged ballot card may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board. The totals for all such ballots or ballot cards counted manually shall be added to the totals for the several precincts or election districts. No vote shall be declared invalid or void if there is a clear indication *on the ballot that the voter has made a definite choice of the intent of the voter* as determined by the canvassing board. After duplicating a ballot, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

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

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

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

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

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

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

102.111 Elections Canvassing Commission.—

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

~~following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

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

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

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

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

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

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

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

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

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

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

102.141 County canvassing board; duties.—

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 *and provisional ballots as provided by s. 101.048*. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots *and provisional ballots* shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots *and the provisional ballots* are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections and the office of the county court judge.

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

from such precinct. Before canvassing such returns, the canvassing board shall examine the ~~counters on the machines or the~~ tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the ~~counters of the machines or the~~ tabulation of the ballots cast, the ~~counters of such machines or the~~ tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

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

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

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

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

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

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

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

(c) *The canvassing board shall submit a second set of unofficial returns to the Department of State for each federal, statewide, state, or*

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

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

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

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

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

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

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

(3)(a) *Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State as part of the voting system pursuant to s. 101.015. Any such hardware or software must be capable of simultaneously counting votes. For certified voting systems, the department shall certify such hardware or software by July 1, 2002. If the department is unable to certify such hardware or software for a certified voting system by July 1, 2002, the department shall adopt rules prescribing procedures for identifying and sorting such overvotes and undervotes. The department's rules may provide for the temporary use of hardware or software whose sole function is identifying and sorting overvotes and undervotes.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1. Security of ballots during the recount process;~~

~~2. Time and place of recounts;~~

~~3. Public observance of recounts;~~

~~4. Objections to ballot determinations;~~

~~5. Record of recount proceedings; and~~

~~6. Procedures relating to candidate and petitioner representatives.~~

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

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

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

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

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

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

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

~~102.168 Contest of election.—~~

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

~~(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of the election being contested or within 5 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of that particular election following a protest pursuant to s. 102.166(1), whichever occurs later.~~

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

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

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

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

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

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

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

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

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

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

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

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

99.063 Candidates for Governor and Lieutenant Governor.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101.6951 *State write-in ballot.—*

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

(2) *In completing the ballot, the overseas voter may designate his or her choice by writing in the name of the candidate or by writing in the name of a political party, in which case the ballot must be counted for the candidate of that political party, if there is such a party candidate on the ballot.*

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

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

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

101.6952 *Absentee ballots for overseas voters.—*

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

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

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

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

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

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

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

101.62 *Request for absentee ballots.—*

(1)

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

1. *The name of the elector for whom the ballot is requested;*
2. *The elector's address;*
3. ~~*The last four digits of the elector's social security number;*~~
- 3.4. ~~*The registration number on the elector's date of birth registration identification card;*~~
- 4.5. *The requester's name;*
- 5.6. *The requester's address;*
- 6.7. ~~*The requester's social security number and, if available, driver's license number, if available;*~~
- 7.8. *The requester's relationship to the elector; and*
- 8.9. *The requester's signature (written requests only).*

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

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

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

3. ~~*Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia, who are qualified and registered as provided by law.*~~

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

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

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

101.64 *Delivery of absentee ballots; envelopes; form.—*

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

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

VOTER'S CERTIFICATE

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

1. ~~*I am unable without another's assistance to attend the polls.*~~
2. ~~*I may not be in the precinct of my residence during the hours the polls are open for voting on election day.*~~
3. ~~*I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.*~~
4. ~~*On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.*~~
5. ~~*I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.*~~
6. ~~*I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.*~~
7. ~~*I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.*~~

... (Date) (Voter's Signature)
... (Last four digits of voter's social security number)
Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.
Sworn to (or affirmed) and subscribed before me this ... day of
..., (year) . . . , by ... (name of person making
statement) My commission expires this ... day of
..., (year)
... (Signature of Official)
... (Print, Type, or Stamp Name)
... (State or Country of Commission)

Personally Known OR Produced Identification
Type of Identification Produced
OR

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

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

WITNESS:
... (Signature of Witness)
... (Printed Name of Witness)
... (Voter I.D. Number of Witness and County of Registration)
... (Address)
... (City/State)

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

Section 54. Section 101.65, Florida Statutes, is amended to read:
101.65 Instructions to absent electors.—The supervisor shall
enclose with each absentee ballot separate printed instructions in
substantially the following form:
READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING
BALLOT.

- 1. VERY IMPORTANT. In order to ensure that your absentee ballot
will be counted, it should be completed and returned as soon as possible
so that it can reach the supervisor of elections of the county in which
your precinct is located no later than 7 p.m. on the day of the election.
2. Mark your ballot in secret as instructed on the ballot. You must
mark your own ballot unless you are unable to do so because of
blindness, disability, or inability to read or write.
3. Place your marked ballot in the enclosed secrecy envelope.
4. Insert the secrecy envelope into the enclosed mailing envelope
which is addressed to the supervisor.
5. Seal the mailing envelope and completely fill out the Voter's
Certificate on the back of the mailing envelope.
6. VERY IMPORTANT. In order for your absentee ballot to be
counted, you must sign your name on the line above (Voter's Signature).
7. VERY IMPORTANT. If you are an overseas voter, you must
include the date you signed the Voter's Certificate on the line above (Date)
or your ballot may not be counted. place the last four digits of your Social
Security number in the space provided, and your ballot must be
witnessed in either of the following manners:

a. One witness, who is a registered voter in the state, must affix his
or her signature, printed name, address, voter identification number,

and county of registration on the voter's certificate. Each witness is
limited to witnessing five ballots per election unless certified as an
absentee ballot coordinator. A candidate may not serve as an attesting
witness.

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

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

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

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

Section 55. Section 101.657, Florida Statutes, is amended to read:
101.657 Voting absentee ballots in person.—

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

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

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

IN-OFFICE VOTER CERTIFICATE

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

... (Voter's Signature)
... (Address)
... (City/State)
... (Name of Witness)
... (Signature of Witness)
... (Type of identification provided)

(b)(4) Any elector may challenge an elector seeking to cast an
absentee ballot under the provisions of s. 101.111. Any challenged ballot
must be placed in a regular absentee ballot envelope. The canvassing

board shall review the ballot and decide the validity of the ballot by majority vote.

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

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

101.68 Canvassing of absentee ballot.—

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin at 7 a.m. on the fourth day before the election ~~upon the opening of the polls on election day~~. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be released made until after the closing close of the polls on election day. Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of absentee ballots prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

104.047 Absentee ballots and voting; violations.—

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

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

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

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

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

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

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

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

98.255 Voter education programs.—

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

- (a) Voter registration;
- (b) Balloting procedures, absentee and polling place;
- (c) Voter rights and responsibilities;
- (d) Distribution of sample ballots; and
- (e) Public service announcements.

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

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

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

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

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

101.031 Instructions for electors.—

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

and responsibilities afforded to Florida voters, as described in subsection (2).

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

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. *Vote and have his or her vote accurately counted.*
2. *Cast a vote if he or she is in line when the polls are closing.*
3. *Ask for and receive assistance in voting.*
4. *Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.*
5. *An explanation if his or her registration is in question.*
6. *If his or her registration is in question, cast a provisional ballot.*
7. *Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.*
8. *Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.*
9. *Vote free from coercion or intimidation by elections officers or any other person.*
10. *Vote on a voting system that is in working condition and that will allow votes to be accurately cast.*

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

1. *Study and know candidates and issues.*
 2. *Keep his or her voter address current.*
 3. *Know his or her precinct and its hours of operation.*
 4. *Bring proper identification to the polling station.*
 5. *Know how to operate voting equipment properly.*
 6. *Treat precinct workers with courtesy.*
 7. *Respect the privacy of other voters.*
 8. *Report problems or violations of election law.*
 9. *Ask questions when confused.*
 10. *Check his or her completed ballot for accuracy.*
- (3) *Nothing in this section shall give rise to a legal cause of action.*

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

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

101.131 Watchers at polls.—

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

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

97.073 Disposition of voter registration applications; cancellation notice.—

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

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

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

102.014 Pollworker recruitment and training.—

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

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

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

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

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

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

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

- (a) Regulations governing solicitation by individuals and groups at the polling place;
- (b) Procedures to be followed with respect to voters whose names are not on the precinct register;
- (c) Proper operation of the voting system;
- (d) Ballot handling procedures;
- (e) Procedures governing spoiled ballots;
- (f) Procedures to be followed after the polls close;
- (g) Rights of voters at the polls;
- (h) Procedures for handling emergency situations;
- (i) Procedures for dealing with irate voters;
- (j) The handling and processing of provisional ballots; and
- (k) Security procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

106.35 Distribution of funds.—

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

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

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

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

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

98.0977 Statewide voter registration database; development and maintenance.—

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

(a) The voter is deceased;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Municipalities;

(b) Other governmental agencies;

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

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

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

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

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

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

... (Signature of person acquiring list). . .

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

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

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

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

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

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

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

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

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

Section 77. *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 78. Except as otherwise provided herein, this act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to elections; creating the Florida Election Reform Act of 2001; amending s. 97.021, F.S.; revising definitions; amending ss. 98.471, 100.341, 100.361, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots; amending s. 101.015, F.S.; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; amending ss. 101.21, 101.24, 101.292, 101.34, 101.341, 101.43, 101.49, 101.58, 101.71, 101.75, 104.30, 138.05, F.S.; removing provisions relating to voting machines and updating references, to conform; amending s. 101.5603, F.S.; deleting references to punchcard marking and voting devices; amending s. 101.5604, F.S.; requiring the use of precinct tabulation electronic or electromechanical voting systems in each county; amending s. 101.5606, F.S.; providing additional requirements for electronic and electromechanical voting systems; prohibiting the use of punchcard voting systems; amending s. 101.5607, F.S.; to correct a cross reference; amending s. 101.5608, F.S.; providing procedures for ballots rejected by the vote tabulation device; amending s. 101.5612, F.S.; provide standards for logic and accuracy testing of vote tabulating equipment; amending s. 101.5614, F.S.; removing references to canvassing returns at central or regional locations, to conform; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on voter errors following the general election; amending s. 102.012, F.S.; prescribing additional duties for election boards; deleting references to voting machines, to conform; amending s. 103.101, F.S., relating to the form of the presidential preference primary, to conform; amending s. 582.18, F.S., relating to the election of district supervisors; conforming a cross-reference; repealing ss. 100.071, 101.141, 101.181, 101.191, 101.251, 101.5609, F.S., relating to the specification and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, F.S., relating to voting machines, to conform; amending s. 97.021, F.S.; revising the definitions of the terms "absent elector" and "primary election"; providing additional definitions; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; clarifying the standard for counting votes on spoiled ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; changing the composition of the Elections Canvassing Commission; revising deadlines for county returns; amending s. 102.112, F.S.; revising deadlines for certification of election results; directing the Department of State to ignore late-filed election returns except in the

case of a statutory emergency; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; modifying deadlines for submitting unofficial returns; revising requirements for an automatic machine recount; amending s. 102.166, F.S.; substantially modifying standards and procedures for manual recounts; repealing s. 102.167, F.S.; eliminating a form for protests; amending s. 102.168, F.S.; revising the grounds for an election contest; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate; revising the primary date in 2002 and providing for only one primary until 2004; providing dates for Lieutenant Governor candidates to be designated and qualified; providing campaign finance reporting dates and contribution limits for the 2002 elections; creating s. 97.0555, F.S.; providing for registration of certain military and overseas persons; requiring the Department of State to adopt rules specifying eligibility; creating s. 101.6951, F.S.; providing for a state write-in absentee ballot for overseas voters; creating s. 101.6952, F.S.; providing for absentee ballots for overseas voters; creating s. 101.697, F.S.; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; creating s. 101.698, F.S.; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S.; modifying information on absentee ballot requests; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.657, F.S., relating to voting absentee ballots; conforming provisions; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; authorizing the processing of absentee ballots through tabulations for a specified period before the election; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and a prohibition against returning more than two ballots in an election, and the penalties therefor; repealing ss. 101.647, 101.685, F.S., relating to returning absentee ballots and absentee ballot coordinators; amending s. 98.255, F.S.; providing for voter education; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 101.131, F.S.; eliminating a requirement to call out names of voters; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012(8) and (9), relating to pollworker training, to conform; amending s. 102.021, F.S.; to correct a cross-reference; amending s. 97.073, F.S.; revising procedures to be followed when a voter registration application is incomplete; amending s. 106.31, F.S.; providing legislative intent with respect to campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; amending s. 106.35, F.S.; providing that contributions from individuals who are not state residents may not be used as qualifying matching contributions; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for the use and distribution of an appropriation for the design of a statewide voter registration database; creating s. 98.0979, F.S.; prescribing requirements for copying information in the statewide voter registration database; repealing s. 98.0975, F.S., relating to the central voter file maintained by the Division of Elections; providing for the use and distribution of an appropriation for voter education and pollworker training; requiring the Division of Elections to provide a progress report on the upgrading of voting systems; providing for the distribution of an appropriation from the General Appropriations Act to counties; providing for study of elections process in multiple time zones; containing a severability clause; providing effective dates.

REPRESENTATIVE BALL IN THE CHAIR

THE SPEAKER IN THE CHAIR

On motion by Rep. Byrd, the Report of the Conference Committee on CS for SB 1118 was accepted in its entirety.

The question recurred on the passage of CS for SB 1118. The vote was:

Session Vote Sequence: 484

Yeas—120

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Pickens
Arza	Diaz de la Portilla	Joyner	Prieguez
Attkisson	Diaz-Balart	Justice	Rich
Atwater	Dockery	Kallinger	Richardson
Ausley	Farkas	Kendrick	Ritter
Baker	Fasano	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended by the Conference Committee Report. The action, together with CS for SB 1118 and the Conference Committee Report thereon, was immediately certified to the Senate.

Explanation of Vote

Our constituents didn't ask us to do much. They just wanted us to "FIX IT" and nothing else. They weren't clamoring to end the Second Primary. They weren't rallying in the streets for changes to Public Financing. They just wanted to be sure that what happened in 2000 never, ever, happened again, Period!

There are some good things in this bill. The Butterfly Ballot is Gone. Punch Cards Are Gone. Military Men and Women can Vote with Confidence. Counties will receive much needed money for voting machines and the counties that upgraded voting machines prior to the 2000 general election will be reimbursed for the cost. But instead of stopping there, we had to keep going. We had to eliminate the second primary for two years, a concept that makes no sense to me. I wish we had made our supervisors of elections a non-partisan position. I wish we had not tampered with Public Campaign Financing which I believe has serious constitutional problems.

I voted for CS for SB 1118 because of the great need to repair serious flaws in our election process in Florida. However, in our effort to go beyond these serious needs, I'm afraid we will be back correcting our errors in future session.

*Rep. Doug Wiles
District 20*

Rep. Byrd moved that the House consider lists one and two and return to consideration of Messages from the Senate, which was agreed to.

Bills and Joint Resolutions on Second Reading

SB 1738—A bill to be entitled An act relating to information technology; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 287.012, F.S.; defining "invitation to negotiate" and "request for a quote"; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross references; providing an effective date.

—was read the second time by title.

REPRESENTATIVE BALL IN THE CHAIR

Representative(s) Ausley offered the following:

(Amendment Bar Code: 974275)

Amendment 1 (with title amendment)—On page 8, lines 20-31, and page 9, lines 1-3,

remove from the bill: all of said lines

and insert in lieu thereof:

Section 4. Subsections (3) and (22) of section 287.057, Florida Statutes, are amended and subsection (23) is added to said section to read:

287.057 Procurement of commodities or contractual services.—

(3) When the purchase price of commodities or

And the title is amended as follows:

On page 2, lines 12 and 13,
remove from the title of the bill: all of said lines

and insert in lieu thereof: alliances; providing for rules;

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

Session Vote Sequence: 485

Yeas—53

Arza	Gannon	Kosmas	Ryan
Ausley	Gelber	Lee	Seiler
Bendross-Mindingall	Goodlette	Lerner	Siplin
Betancourt	Gottlieb	Machek	Slosberg
Bucher	Greenstein	Mayfield	Smith
Bullard	Harper	Maygarden	Sobel
Byrd	Harrington	McGriff	Stansel
Carassas	Henriquez	Meadows	Weissman
Cusack	Heyman	Peterman	Wiles
Detert	Holloway	Rich	Wilson
Diaz-Balart	Jennings	Richardson	Wishner
Fasano	Joyner	Ritter	
Fields	Justice	Romeo	
Frankel	Kendrick	Rubio	

Nays—60

The Chair	Bowen	Harrell	Miller
Alexander	Brown	Hart	Murman
Andrews	Brummer	Hogan	Needelman
Argenziano	Cantens	Johnson	Negron
Attkisson	Clarke	Jordan	Paul
Atwater	Crow	Kilmer	Pickens
Baker	Davis	Kottkamp	Prieguez
Barreiro	Diaz de la Portilla	Kravitz	Ross
Baxley	Farkas	Kyle	Russell
Bean	Fiorentino	Lacasa	Simmons
Bennett	Garcia	Littlefield	Sorensen
Bense	Gardiner	Lynn	Spratt
Benson	Gibson	Mack	Trovillion
Berfield	Green	Mahon	Wallace
Bilirakis	Haridopolos	Melvin	Waters

Votes after roll call:

Yeas to Nays—Goodlette

On motion by Rep. Hart, the rules were waived and SB 1738 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 486

Yeas—96

The Chair	Clarke	Heyman	Mealor
Alexander	Crow	Hogan	Melvin
Allen	Cusack	Holloway	Miller
Andrews	Davis	Jennings	Murman
Argenziano	Diaz de la Portilla	Johnson	Needelman
Arza	Diaz-Balart	Jordan	Negron
Attkisson	Farkas	Kallinger	Paul
Atwater	Fasano	Kilmer	Peterman
Baker	Fields	Kosmas	Pickens
Barreiro	Fiorentino	Kottkamp	Prieguez
Baxley	Garcia	Kravitz	Rich
Bendross-Mindingall	Gardiner	Kyle	Ross
Bennett	Gelber	Lacasa	Rubio
Bense	Gibson	Lee	Russell
Benson	Goodlette	Lerner	Ryan
Berfield	Gottlieb	Littlefield	Simmons
Bilirakis	Green	Lynn	Smith
Bowen	Greenstein	Machek	Sobel
Brown	Haridopolos	Mack	Sorensen
Brummer	Harper	Mahon	Spratt
Bullard	Harrell	Mayfield	Trovillion
Byrd	Harrington	Maygarden	Wallace
Cantens	Hart	McGriff	Waters
Carassas	Henriquez	Meadows	Wiles

Nays—19

Ausley	Frankel	Richardson	Slosberg
Betancourt	Gannon	Ritter	Stansel
Brutus	Joyner	Romeo	Weissman
Bucher	Justice	Seiler	Wishner
Detert	Kendrick	Siplin	

Votes after roll call:

Yeas to Nays—Peterman

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

CS for CS for SB 912—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; creating s. 944.7031, F.S.; providing for inmates released from private correctional facilities to be eligible for the same transition-assistance services that are provided to inmates in state correctional facilities; requiring that such inmates be given access to placement consideration in substance-abuse-transition housing programs, including programs that have a faith-based component; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 947.141, F.S.; providing revocation process for offenders on addiction-recovery supervision; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 382347)

Amendment 1—On page 12, line 10 through page 13, line 22, remove from the bill: all of said lines

and insert in lieu thereof: school, and where persons may be placed immediately after their date of release from a correctional institution or a community correctional center, who are in need of placement in a substance abuse transition housing program, and who are considered

eligible for such placement by the department. However, an offender may only reside in a substance abuse transition housing program upon the lawful expiration of his or her prison sentence in accordance with s. 944.275 or other applicable law regarding percentage of sentence served. Under no circumstances may any inmate be placed in contracted substance abuse transition housing or contracted faith-based substance abuse transition housing, until the inmate has served the entirety of his or her lawful prison sentence in accordance with s. 944.275 or other applicable law regarding percentage of sentence served.

2. Secure facilities which provide for limited access for the duration of the program for persons who have violated their conditions of probation, drug offender probation, or community control, and whose presumptive sentence exceeds 22 months.

(c) A system of probation and restitution centers throughout the state whereby probationers, drug offender probationers, and community controllees who have violated their terms or conditions, and whose presumptive sentence exceeds 22 months, may be required to reside while working, receiving treatment, or attending school, or for persons on probation, drug offender probation, or community control who may be required to attend outpatient substance abuse counseling and where persons may be placed immediately after their date of release from a correctional institution or a community correctional center, who are in need of placement in a substance abuse transition housing program, and who are considered eligible for such placement by the department. However an offender may only reside in a substance abuse transition housing program upon the lawful expiration of his or her prison sentence in accordance with s. 944.275 or other applicable law regarding percentage of sentence served. Under no circumstances may any inmate be placed in contracted substance abuse transition housing or contracted faith-based substance abuse transition housing, until the inmate has served the entirety of his or her lawful prison sentence in accordance with s. 944.275 or other applicable law regarding percentage of sentence served. The purpose of these facilities and services is to provide the court with an alternative to committing offenders to more secure state correctional institutions and to assist in the supervision of probationers, drug offender probationers, and community controllees and to provide the department transitional-housing beds to assist inmates released into the community.

(2) By January 1, 2002, and notwithstanding any other law, the department shall ensure that at least 400 of its contracted beds in nonsecure community-based residential substance-abuse-treatment facilities authorized under subparagraph (1)(b)1. or probation and restitution centers authorized under paragraph (1)(c) are designated for transition assistance for recently released inmates from a correctional institution or a community correctional center. These designated beds shall be provided by private organizations that do not have a faith component and that are under contract with the department. In making placement decisions prior to the lawful expiration of sentence, the department and the contract providers shall give priority consideration to those released inmates who will be placed in some

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 210051)

Amendment 2—On page 22, line 8 through page 30, line 22, remove from the bill: all of said lines

and insert in lieu thereof:

(4) *Facilitating placement in a private transition-housing program, upon expiration of sentence, if requested by an eligible inmate prior to release. If an inmate who is nearing his or her date of release requests placement in a contracted substance-abuse-transition housing program, the transition-assistance specialist shall inform the inmate of program availability and assess the inmate's need and suitability for transition-housing assistance. If an inmate is approved for placement, the specialist shall assist the inmate and coordinate the release of the inmate with the selected program. If an inmate requests and is approved for placement in*

a contracted faith-based substance-abuse-transition housing program, the specialist must consult with the chaplain prior to such placement. In selecting inmates who are nearing their date of release for placement in a faith-based program, the department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining admission to the program and that the program does not attempt to convert an inmate toward a particular faith or religious preference. Under no circumstances may any inmate be placed in contracted substance abuse transition housing or contracted faith-based substance abuse transition housing, until the inmate has served the entirety of his or her lawful prison sentence in accordance with s. 944.275 or other applicable law regarding percentage of sentence served.

(5)(4) Providing a photo identification card to all inmates prior to their release.

The transition-assistance specialist may not be a correctional officer or correctional probation officer as defined in s. 943.10.

Section 10. Subsections (1) and (2) of section 944.705, Florida Statutes, are reenacted, and subsection (5) of that section is amended to read:

944.705 Release orientation program.—

(1) The department shall provide participation in a standardized release orientation program to every eligible inmate.

(2) The release orientation program instruction must include, but is not limited to:

- (a) Employment skills.
- (b) Money management skills.
- (c) Personal development and planning.
- (d) Special needs.
- (e) Community reentry concerns.
- (f) Community reentry support.

(g) Any other appropriate instruction to ensure the inmate's successful reentry into the community.

(5) The department ~~may is authorized to~~ contract with public or private entities, including faith-based service groups, for the provision of all or part of the services pursuant to this section.

Section 11. Section 944.706, Florida Statutes, is amended to read:

944.706 Basic release assistance.—

(1) Any inmate who is being released is eligible for transition assistance. Those inmates released to a detainer are eligible pursuant to s. 944.703.

(2) The department ~~may is authorized to~~ contract with the Department of Children and Family Services, the Salvation Army, and other public or private organizations, including faith-based service groups, for the provision of basic support services for releasees. ~~The department shall contract with the Department of Labor and Employment Security for the provision of releasee job placement.~~

(3) The department shall ~~adopt promulgate~~ rules for the development, implementation, and termination of transition assistance.

Section 12. Section 944.707, Florida Statutes, is amended to read:

944.707 Postrelease special services; job placement services.—

(1) The department shall ~~attempt to~~ generate and provide to every releasee, identified by the prerelease needs assessment, support services such as, but not limited to, substance abuse counseling, family counseling, and employment support programs. The department ~~may is~~ authorized to select and contract with public or private organizations, including faith-based service groups, for the provision of these basic support services. When selecting a provider, the department shall

consider faith-based service groups on an equal basis with other private organizations. Provider selection criteria include, but are not limited to:

- (a) The depth and scope of services provided.
- (b) The geographic area to be served.
- (c) The number of inmates to be served and the cost of services per inmate.
- (d) The individual provider's record of success in the provision of inmate services.

(2) ~~The department, with the assistance of the State Office on Homelessness, shall maintain and regularly update a comprehensive directory of support services offered by private organizations and faith-based service groups for the purpose of assisting transition-assistance specialists and chaplains in making individualized placements and referrals. The following items shall be provided to the Department of Labor and Employment Security job service office located nearest to the inmate's intended residence:~~

- ~~(a) The job placement information obtained at release orientation.~~
- ~~(b) Referral information for the needed basic support service providers.~~

~~(3)(a) The Department of Labor and Employment Security shall assign job service staff exclusively dedicated to releasee services at those offices identified by the Department of Corrections as having a high number of releasee contacts. Those offices having a fewer number of releasee contacts shall have designated staff assigned to assist releasees. The Department of Labor and Employment Security shall provide appropriate training for staff assigned to assist releasees. Staff assigned to assist releasees shall use job placement information obtained at each releasee's release orientation to attempt to secure suitable employment for the releasee prior to the releasee's arrival. Staff assigned to assist releasees shall act to maximize releasee placement opportunities in the job service office service area.~~

~~(b) The Department of Labor and Employment Security shall provide to the Department of Corrections data relating to inmate placement, tracking, and market needs.~~

Section 13. Section 944.803, Florida Statutes, is amended to read:

944.803 Faith-based programs for inmates.—

(1) The Legislature finds and declares that faith-based programs offered in state and private correctional institutions and facilities have the potential to facilitate inmate institutional adjustment, help inmates assume personal responsibility, and reduce recidivism.

(2) It is the intent of the Legislature that the Department of Corrections and the private vendors operating private correctional facilities shall continuously:

- (a) Measure recidivism rates for inmates who have participated in religious programs;
- (b) Increase the number of volunteers who minister to inmates from various faith-based institutions in the community;
- (c) Develop community linkages with churches, synagogues, mosques, and other faith-based institutions to assist inmates in their release back into the community; and

(d) Fund through the use of inmate welfare trust funds pursuant to s. 945.215 an adequate number of chaplains and support staff to operate faith-based programs in correctional institutions.

(3) *By March 1, 2002, the department must have at least three additional faith-based dormitory programs fully operational and by June 1, 2002, the department must have at least three more faith-based dormitory programs fully operational, for a total of six new programs fully operational by June 1, 2002. These six programs shall be similar to and in addition to the current faith-based pilot program. The six new programs shall be a joint effort with the department and faith-based*

service groups within the community. The department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining admission to a faith-based program and that the program does not attempt to convert an inmate toward a particular faith or religious preference. The programs shall operate 24 hours a day within the existing correctional facilities. The programs must emphasize the importance of personal responsibility, meaningful work, education, substance-abuse treatment, and peer support. Participation in the faith-based dormitory program shall be voluntary. However, at least 80 percent of the inmates participating in this program must be within 36 months of release. Assignment to these programs shall be based on evaluation and the length of time the inmate is projected to be assigned to that particular institution. In evaluating an inmate for this program, priority shall be given to inmates who have shown an indication for substance abuse. A right to substance-abuse-program services is not stated, intended, or otherwise implied by this subsection. The department may not remove an inmate once assigned to the program except for the purposes of population management, for inmate conduct that may subject the inmate to disciplinary confinement or loss of gain-time, for physical or mental health concerns, or for security or safety concerns. To support the programming component, the department shall assign a chaplain and a full-time clerical support person dedicated to each dormitory to implement and monitor the program and to strengthen volunteer participation and support. By January 1, 2004, the department shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the faith-based dormitory program. The report must contain the findings from an extensive and scientifically sound evaluation of the program, including at least a longitudinal followup of the inmates who have successfully completed the program compared to other similar inmates who have not participated and an opinion survey of the faith-based service providers.

(4) *Effective October 1, 2001, the Department of Corrections shall assign chaplains to community correctional centers authorized pursuant to s. 945.091(1)(b). These chaplains shall strengthen volunteer participation by recruiting volunteers in the community to assist inmates in transition, and, if requested by the inmate, placement in a mentoring program or at a contracted substance-abuse-transition housing program upon the expiration of his or her sentence. When placing a released inmate in a contracted program the chaplain shall work with the institutional transition-assistance specialist in an effort to successfully place the released inmate.*

(5) *The department shall ensure that any faith component of any program authorized in this chapter is offered on a voluntary basis and, an offender's faith orientation, or lack thereof, will not be considered in determining admission to a faith-based program and that the program does not attempt to convert an offender toward a particular faith or religious preference.*

(6) *The department shall ensure that state funds are not expended for the purpose of furthering religious indoctrination, but rather, that state funds are expended for purposes of furthering the secular goals of criminal rehabilitation, the successful reintegration of offenders into the community, and the reduction of recidivism.*

Section 14. Subsection (1) of section 945.091, Florida Statutes, is amended to read:

945.091 Extension of the limits of confinement; restitution by employed inmates.—

(1) ~~The department may is authorized to adopt rules regulations~~ permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe that the inmate will honor his or her trust by authorizing the inmate, under prescribed conditions and following investigation and approval by the secretary, or the secretary's designee, who shall maintain a written record of such action, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

- (a) Visit, for a specified period, a specifically designated place or places:

1. For the purpose of visiting a dying relative, attending the funeral of a relative, or arranging for employment or for a suitable residence for use when released;

2. To otherwise aid in the rehabilitation of the inmate *and his or her successful transition into the community*; or

3. For another compelling reason consistent with the public interest, and return to the same or another institution or facility designated by the Department of Corrections.

(b) Work at paid employment, participate in an education or a training program, or voluntarily serve a public or nonprofit agency or *faith-based service group* in the community, while continuing as an inmate of the institution or facility in which the inmate is confined, except during the hours of his or her employment, education, training, or service and traveling thereto and therefrom.

1. An inmate may participate in paid employment only during the last 36 months of his or her confinement, unless sooner requested by the Parole Commission or the Control Release Authority.

2. *While working at paid employment and residing in the facility, an inmate may apply for placement at a contracted substance-abuse-transition housing program. The transition-assistance specialist shall inform the inmate of program availability and assess the inmate's need and suitability for transition-housing assistance. If an inmate is approved for placement, the specialist shall assist the inmate. If an inmate requests and is approved for placement in a contracted faith-based substance-abuse-transition housing program, the specialist must consult with the chaplain prior to such placement. The department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining admission to a faith-based program and that the program does not attempt to convert an inmate toward a particular faith or religious preference. Under no circumstances may any inmate be placed in contracted substance abuse transition housing or contracted faith-based substance abuse transition housing, until the inmate has served the entirety of his or her lawful prison sentence in accordance with s. 944.275 or other applicable law regarding percentage of sentence served.*

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Representative(s) Barreiro offered the following:
(Amendment Bar Code: 232555)

Amendment 3—On page 38, lines 6 and 7, remove from the bill: all of said lines

and insert in lieu thereof: *52 transition-assistance specialists. The Bureau of Transition shall be created within the Department of Corrections and six new Bureau of Transition positions shall be funded by the appropriation to monitor, oversee, and provide support*

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Representative(s) Barreiro offered the following:
(Amendment Bar Code: 944587)

Amendment 4—On page 38, lines 20 through 24, remove from the bill: all of said lines

and insert in lieu thereof: *944.803, Florida Statutes. Recurring funds from this appropriation shall fund contracts with faith-based service groups to continue and expand faith dormitory programs and the additional chaplain positions and clerical-support positions as needed to support these programs.*

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS for SB 658—A bill to be entitled An act relating to insurance; amending s. 624.610, F.S.; updating a cross-reference; creating s. 625.011, F.S.; defining the term “statutory accounting principles”; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining the financial condition of an insurer; amending s. 625.041, F.S.; revising a provision concerning liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in the valuation of real property; amending s. 625.322, F.S.; revising requirements for collateral loans; creating s. 641.183, F.S.; providing a transition selection for statutory accounting principles; amending s. 641.19, F.S.; redefining the terms “reporting period,” “statutory accounting principles,” “surplus,” and “surplus notes” for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; redefining certain assets or liabilities in the determination of the financial condition of a health maintenance organization; providing applicability; amending ss. 626.916, 626.918, 626.921, 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department of Insurance; revising limits on fees that may be charged with respect to certain policies certified for export; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing a retroactive effective date.

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

Session Vote Sequence: 487

Yeas—118

The Chair	Crow	Jennings	Paul
Alexander	Cusack	Johnson	Peterman
Allen	Davis	Jordan	Pickens
Andrews	Detert	Joyner	Prieguez
Argenziano	Diaz de la Portilla	Justice	Rich
Arza	Diaz-Balart	Kallinger	Richardson
Attkisson	Dockery	Kendrick	Ritter
Atwater	Farkas	Kilmer	Romeo
Ausley	Fasano	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Barreiro	Flanagan	Kravitz	Russell
Baxley	Frankel	Kyle	Ryan
Bean	Gannon	Lacasa	Seiler
Bendross-Mindingall	Garcia	Lee	Simmons
Bennett	Gardiner	Lerner	Siplin
Bense	Gelber	Littlefield	Slosberg
Benson	Gibson	Lynn	Smith
Berfield	Goodlette	Machek	Sobel
Betancourt	Gottlieb	Mack	Sorensen
Bilirakis	Green	Mahon	Spratt
Bowen	Greenstein	Mayfield	Stansel
Brown	Haridopolos	Maygarden	Trovillion
Brummer	Harper	McGriff	Wallace
Brutus	Harrell	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	
Clarke	Holloway	Negron	

Nays—None

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

On motion by Rep. Wallace, consideration of **HB 1975** was temporarily postponed under Rule 11.10.

Bills and Joint Resolutions on Third Reading

SB 782—A bill to be entitled An act relating to nursing education; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing an effective date.

—was read the third time by title.

Reconsideration

On motion by Rep. Farkas, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 1**, as amended, was adopted (shown in the *Journal* on pages 872-903 and 939-940, April 26).

The question recurred on the adoption of the amendment.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 270031)

Technical Amendment 12 to Amendment 1—On page 99, line 20, remove from the amendment: subsection (8) is

and insert in lieu thereof: subsections (8) and (9) are

On page 112, line 16,
remove from the amendment: months. ~~Persons~~

and insert in lieu thereof: months; ~~Persons~~

On page 113, lines 21-22,
remove from the amendment: all of said lines

and insert in lieu thereof: permutations of them, "~~psychologist,~~" "psychology," "psychological," or "psychodiagnostic," ~~or "school psychologist,"~~

On page 114, line 7,
after the second comma insert: section 490.014,

On page 136, line 30, through page 137, line 3,
remove from the amendment: all of said lines

and insert in lieu thereof: "massage"; amending s. 484.002, F.S.; redefining the term "opticianry" to revise references to the term "medical doctor"; defining the terms "contact lenses" and "optical dispensing"; amending ss. 484.006 and 484.012, F.S.; revising references to the term "medical doctor"; amending

On page 137, line 23,
remove from the amendment: correcting a cross reference;

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

Reconsideration

On motion by Rep. Fasano, the House reconsidered the vote by which **Amendment 1 to Amendment 1** was adopted (shown in the *Journal* on page 901, April 26).

The question recurred on the adoption of the amendment to the amendment, which failed of adoption.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 045155)

Amendment 13 to Amendment 1 (with title amendment)—On page 3, lines 15-21,
remove from the amendment: all of said lines

and insert in lieu thereof:

458.3147 Medical school eligibility of military academy students or graduates.—Any Florida resident who is a student at or a graduate of any of the United States military academies who qualifies for assignment to the Medical Corps of the United States military shall be admitted to any medical school in the State University System.

And the title is amended as follows:

On page 131, line 30, through page 132, line 5, of the amendment
remove: all of said lines

and insert in lieu thereof: 458.3147, F.S.; providing for automatic admission to any medical school in the State University System for military academy students or graduates who qualify for the Medical Corps of the United States military; amending ss. 458.331 and 459.015, F.S.;

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

Representative(s) Fasano offered the following:

(Amendment Bar Code: 695531)

Amendment 14 to Amendment 1 (with title amendment)—On page 20, lines 6-31,

remove from the amendment: all of said lines

and insert in lieu thereof:

Section 7. Paragraph (b) of subsection (2) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues for inpatient *and outpatient* services to fund public medical assistance; administrative fines for failure to pay assessments when due; exemption.—

(2)

(b) There is imposed upon each hospital an assessment in an amount equal to ~~0.5~~ 1 percent of the annual net operating revenue for outpatient services for each hospital, such revenue to be determined by the agency, based on the actual experience of the hospital as reported to the agency. *While prior year report worksheets may be reconciled to the hospital's audited financial statements, no additional audited financial components may be required for the purposes of determining the amount of the assessment imposed pursuant to this section other than those in effect on July 1, 2000.* Within 6 months after the end of each hospital fiscal year, the agency shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the agency in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the agency certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

Section 8. Paragraph (a) of subsection (2) of section 395.7015, Florida Statutes, is amended to read:

395.7015 Annual assessment on health care entities.—

(2) There is imposed an annual assessment against certain health care entities as described in this section:

(a) The assessment shall be equal to ~~0.5~~ 1 percent of the annual net operating revenues of health care entities. The assessment shall be payable to and collected by the agency. Assessments shall be based on annual net operating revenues for the entity's most recently completed fiscal year as provided in subsection (3).

Section 9. Section 395.7016, Florida Statutes, is amended to read:

395.7016 Annual appropriation.—The Legislature shall appropriate each fiscal year from either the General Revenue Fund or the Agency for Health Care Administration Tobacco Settlement Trust Fund an amount

sufficient to replace the funds lost due to reduction by chapter 2000-256, Laws of Florida, and by chapter 2001-, Laws of Florida, (this act) of the assessment on other health care entities under s. 395.7015, and the reduction by chapter 2000-256, Laws of Florida, and by chapter 2001-, Laws of Florida, (this act) in the assessment on hospitals under s. 395.701, and to maintain federal approval of the reduced amount of funds deposited into the Public Medical Assistance Trust Fund under s. 395.701, as state match for the state's Medicaid program.

And the title is amended as follows:

On page 130, lines 17-20, of the amendment remove: all of said lines

and insert in lieu thereof: Risk Management Advisory Council; amending s. 395.701, F.S.; reducing the annual assessment on hospital outpatient services to fund public medical assistance; limiting the financial information that may be required to determine the amount of the assessment; amending s. 395.7015, F.S.; reducing the annual assessment on certain other health care entities to fund public medical assistance; amending s. 395.7016, F.S.; providing for annual appropriations to replace funds lost due to such reductions;

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

Representative(s) Fasano offered the following:

(Amendment Bar Code: 242409)

Amendment 15 to Amendment 1 (with title amendment)—On page 21, line 1, of the amendment

insert:

Section 8. (1) Section 22 of chapter 2000-256, Laws of Florida, is amended to read:

Section 22. The amendments to ss. 395.701 and 395.7015, Florida Statutes, by this act shall take effect *July 1, 2000* ~~only upon the Agency for Health Care Administration receiving written confirmation from the federal Health Care Financing Administration that the changes contained in such amendments will not adversely affect the use of the remaining assessments as state match for the state's Medicaid program.~~

(2) The amendment of section 22 of chapter 2000-256, Laws of Florida, by this act shall take effect upon this act becoming a law and shall operate retroactively to July 1, 2000.

And the title is amended as follows:

On page 130, line 20, of the amendment

after the semicolon insert: amending s. 22, ch. 2000-256, Laws of Florida, to remove contingent effect provisions applicable to provisions reducing the annual assessment on hospitals and other health care entities and to provide for retroactive effect of such reduced assessment from a date certain;

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

Representative(s) Murman offered the following:

(Amendment Bar Code: 500547)

Amendment 16 to Amendment 1—On page 43, lines 18-21, remove from the amendment: all of said lines

and insert in lieu thereof:

academies who has command approval to apply to medical school prior to assignment to the medical corps of the United States military shall be admitted to any medical school in the State University System. Each medical school in the State University System shall admit two such applicants each academic year.

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

On motion by Rep. Murman, further consideration of **Amendment 16 to Amendment 1** was temporarily postponed under Rule 11.10.

Reconsideration

On motion by Rep. Farkas, the House reconsidered the vote by which **Amendment 13 to Amendment 1** was adopted. The question recurred on the adoption of the amendment to the amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 16 to Amendment 1**, which was adopted.

Representative(s) Farkas and Baxley offered the following:

(Amendment Bar Code: 263423)

Amendment 17 to Amendment 1 (with title amendment)—On page 45, between lines 18 and 19, of the amendment

insert:

Section 21. Paragraphs (e) and (f) of subsection (4) of section 458.347, Florida Statutes, are amended to read:

458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe any medication used in the supervisory physician's practice *unless* if such medication is listed on the formulary created pursuant to paragraph (f). A fully licensed physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that he or she is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the department of his or her intent to delegate, on a department-approved form, before delegating such authority and notify the department of any change in prescriptive privileges of the physician assistant.

3. The physician assistant must file with the department, before commencing to prescribe, evidence that he or she has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that he or she has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the department, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the department a signed affidavit that he or she has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

6. The department shall issue a license and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. *Unless it is a drug sample dispensed by the physician assistant*, the prescription must be filled in a pharmacy permitted under chapter 465 and must be dispensed in that pharmacy by a pharmacist

licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

~~(f)1. There is created a five member committee appointed by the Secretary of Health. The committee must be composed of one fully licensed physician assistant licensed pursuant to this section or s. 459.022, two physicians licensed pursuant to this chapter, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to chapter 459, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to this chapter or chapter 459. The council committee shall establish a formulary of medicinal drugs that for which a fully licensed physician assistant, licensed under this section or s. 459.022, may not prescribe. The formulary must may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics and or radiographic contrast materials, and all or any parenteral preparations except insulin and epinephrine.~~

2. *In establishing the formulary, the council shall consult with a pharmacist licensed under chapter 465, but not licensed under this chapter or chapter 459, who shall be selected by the Secretary of Health.*

3.2. Only the council committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.

4.3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the department shall mail a copy of such formulary to each fully licensed physician assistant, licensed under this section or s. 459.022, and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed \$200 to fund the provisions of this paragraph and paragraph (e).

Section 22. Subsection (4) and paragraph (c) of subsection (9) of section 459.022, Florida Statutes, are amended to read:

459.022 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(a) The boards shall adopt, by rule, the general principles that supervising physicians must use in developing the scope of practice of a physician assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice settings in which physician assistants are used.

(b) This chapter does not prevent third-party payors from reimbursing employers of physician assistants for covered services rendered by licensed physician assistants.

(c) Licensed physician assistants may not be denied clinical hospital privileges, except for cause, so long as the supervising physician is a staff member in good standing.

(d) A supervisory physician may delegate to a licensed physician assistant, pursuant to a written protocol, the authority to act according

to s. 154.04(1)(c). Such delegated authority is limited to the supervising physician's practice in connection with a county health department as defined and established pursuant to chapter 154. The boards shall adopt rules governing the supervision of physician assistants by physicians in county health departments.

(e) A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe any medication used in the supervisory physician's practice *unless* if such medication is listed on the formulary created pursuant to s. 458.347. A fully licensed physician assistant may only prescribe such medication under the following circumstances:

1. A physician assistant must clearly identify to the patient that she or he is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.

2. The supervisory physician must notify the department of her or his intent to delegate, on a department-approved form, before delegating such authority and notify the department of any change in prescriptive privileges of the physician assistant.

3. The physician assistant must file with the department, before commencing to prescribe, evidence that she or he has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the boards, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, or evidence that she or he has received education comparable to the continuing education course as part of an accredited physician assistant training program.

4. The physician assistant must file with the department, before commencing to prescribe, evidence that the physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising physician.

5. The physician assistant must file with the department a signed affidavit that she or he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

6. The department shall issue a license and a prescriber number to the physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form that complies with chapter 499 and must contain, in addition to the supervisory physician's name, address, and telephone number, the physician assistant's prescriber number. *Unless it is a drug sample dispensed by the physician assistant*, the prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number creates a presumption that the physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The physician assistant must note the prescription in the appropriate medical record, and the supervisory physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory physician to comply with these requirements does not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory physician from delegating to a physician assistant the authority to order medication for a hospitalized patient of the supervisory physician.

This paragraph does not apply to facilities licensed pursuant to chapter 395.

~~(f)1. There is created a five member committee appointed by the Secretary of Health. The committee must be composed of one fully licensed physician assistant licensed pursuant to this section or s. 458.347, two physicians licensed pursuant to chapter 458, one of whom~~

~~supervises a fully licensed physician assistant, one osteopathic physician licensed pursuant to this chapter, and one pharmacist licensed pursuant to chapter 465 who is not licensed pursuant to this chapter or chapter 458. The committee shall establish a formulary of medicinal drugs for which a fully licensed physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.~~

~~2. Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.~~

~~3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the department shall mail a copy of such formulary to each fully licensed physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed \$200 to fund the provisions of this paragraph and paragraph (e).~~

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(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.

And the title is amended as follows:

On page 132, line 7, of the amendment

after the semicolon insert: amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform;

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

Representative(s) Green offered the following:

(Amendment Bar Code: 720665)

Amendment 18 to Amendment 1—On page 89, lines 18 through 21, remove from the amendment: all of said lines

and insert in lieu thereof:

Section 54. Paragraph (d) of subsection (3) and paragraph (c) of subsection (6) of section 468.302, Florida Statutes, are amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(d) A person holding a certificate as a general radiographer may not perform nuclear medicine and radiation therapy procedures, *except as provided herein. A person who is a general radiographer certified pursuant to this part who receives additional training and skills in radiation therapy technology procedures as referenced herein may assist with managing patients undergoing radiation therapy treatments if that assistance is provided to a person registered with the American Registry of Radiologic Technologists in radiation therapy who is also certified pursuant to this part as a radiation therapy technologist. Both the general radiographer and the radiation therapy technologist must perform these radiation therapy services under the general supervision of a physician licensed under chapter 458 or chapter 459 who is trained and skilled in performing radiation therapy treatments. The radiation therapy technologist identified in this paragraph may not delegate any function to the general radiographer that could reasonably be expected to create an unnecessary danger to a patient's life, health or safety. The general radiographer identified under this paragraph may not, however, perform the following services while assisting the radiation therapy technologist: radiation treatment planning, calculation of radiation therapy doses, administration of radiation therapy doses, or any of the duties of a medical physicist. The general radiographer identified under this paragraph must successfully complete a training program in the following areas before assisting with radiation therapy technology duties:*

1. Principles of radiation therapy treatment;
2. Biological effects of radiation;
3. Radiation exposure and monitoring;
4. Radiation safety and protection;
5. Evaluation and handling of radiographic treatment equipment and accessories;
6. Patient positioning for radiation therapy treatment. In addition, a general radiographer may participate in additional approved programs as provided by rule of the department.

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 433683)

Amendment 19 to Amendment 1 (with title amendment)—On page 102, line 27, through page 105, line 8, remove from the amendment: all of said lines

and insert in lieu thereof:

(5)(a) *Except as otherwise provided in paragraph (b), a person who violates any a provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(b) *A person who knowingly violates paragraph (1)(c) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 68. Section 484.015, Florida Statutes, is amended to read:

484.015 Authority to inspect.—Duly authorized agents and employees of the department shall have the power to inspect in a lawful

manner at all reasonable hours ~~an~~ any establishment of any kind in the state in which lenses, spectacles, eyeglasses, contact lenses, and any other optical devices are prepared ~~or~~ and dispensed, for the purposes of:

(1) Determining if any provision of this part, or any rule promulgated under its authority, is being violated;

(2) Securing samples or specimens of any lenses, spectacles, eyeglasses, contact lenses, or other optical devices, after paying or offering to pay for such sample or specimen; or

(3) Securing such other evidence as may be needed for prosecution under this part.

Section 69. Paragraph (g) 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
(g) LEVEL 7		
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.

And the title is amended as follows:

On page 137, lines 10 & 11, of the amendment remove: all of said lines

and insert in lieu thereof: severity ranking for the offense of preparing or dispensing optical devices without a prescription; amending s.

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 722817)

Amendment 20 to Amendment 1 (with title amendment)—On page 123, lines 12-23, remove from the amendment: all of said lines

and insert in lieu thereof: *specialty training is of great importance to the citizens of this state and that specialty training and certification creates a higher level of proficiency for the practitioner and improves the delivery of health care to Floridians. Because much confusion exists among the patient population and practitioners as to the requirements for board certification, the Legislature directs the Department of Health to conduct a study of the area of specialty certification relating to the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Dentistry. The study should review current statutes and rules to determine if any barriers exist in board recognition of certifying*

And the title is amended as follows:

On page 138, line 22, of the amendment remove: an interim

and insert in lieu thereof: a

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

Representative(s) Flanagan offered the following:

(Amendment Bar Code: 624507)

Amendment 21 to Amendment 1—On page 124, line 18, through page 125, line 1, remove from the amendment: all of said lines

and insert in lieu thereof: *Floridians.*

Rep. Flanagan moved the adoption of the amendment to the amendment. Subsequently, **Amendment 21 to Amendment 1** was withdrawn.

Representative(s) Harper and Joyner offered the following:

(Amendment Bar Code: 064019)

Amendment 22 to Amendment 1 (with title amendment)—On page 129, between lines 5 and 6, of the amendment

insert:

Section 85. *This section may be cited as the "Moses General Miles Act."*

(1) *For the purpose of establishing a long-term residential care continuum of assisted living facilities for low-income elderly living in urban distressed communities, and as an additional source for community economic development opportunities in specific targeted areas, the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University is authorized to develop a grant program to fund five pilot projects to be located in 5 of the 10 urban distressed communities of Pensacola, Tallahassee, Jacksonville, Daytona Beach, Orlando, Tampa, St. Petersburg, West Palm Beach, Ft. Lauderdale, and Miami-Dade. The funding for the five pilot projects shall be provided to not-for-profit community and faith-based organizations located in urban distressed communities. Each organization seeking funding shall submit to a review panel a strategic plan that outlines the need and the location of assisted living facilities for low-income elderly in the urban distressed communities. The plan should incorporate public-private partnerships that will be used for the development and construction of the assisted living facilities in the urban*

distressed communities. To be eligible for funding under this program, a not-for-profit community and faith-based organization must hold a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code. The institute shall develop criteria for the review of the plans. The institute shall give priority consideration for funding under this program to plans submitted by neighborhood-based organizations that have as a principal part of their missions the improvement of conditions for residents of the neighborhoods in which the organizations are located. The institute shall develop weighted criteria to be used in evaluating applications from the community and faith-based organizations.

(2) *A review panel is created within the institute to evaluate proposals for award of funding for the five pilot projects. The review panel shall consist of eight members appointed by the President of Florida Agricultural and Mechanical University, as follows:*

(a) *One member who is affiliated with the Agency for Health Care Administration.*

(b) *The Secretary of Health, or the secretary's designee.*

(c) *The Secretary of Elderly Affairs, or the secretary's designee.*

(d) *The president of Enterprise Florida, Inc., or the president's designee.*

(e) *One member who is from a private-sector investment institution or organization.*

(f) *One member who is affiliated with the Office of Tourism, Trade, and Economic Development.*

(g) *One member who is from a professional trade organization representing long-term care assisted living facilities.*

(h) *One member who is affiliated with Workforce Florida, Inc.*

The director of the institute, or a designee, shall serve as secretary to the review panel without voting rights.

(3) *The institute shall develop and provide program technical assistance support to the community and faith-based organizations interested in this community economic development initiative.*

(4) *The institute has the authority to adopt rules to implement the provisions of his section.*

Section 86. *There is hereby appropriated from the General Revenue Fund to the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University the sum of \$1.5 million to develop and provide program technical assistance support to community and faith-based organizations, and for contracts for five pilot projects, pursuant to this act. The institute is authorized to allocate up to \$225,000 to each of the five pilot projects.*

And the title is amended as follows:

On page 138, line 30, of the amendment

after the semicolon insert: creating the "Moses General Miles Act"; authorizing the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University to develop a grant program for pilot projects in assisted living facility long-term care for elderly persons in urban distressed communities; providing for eligibility and priority for funding; creating a review panel to evaluate proposed pilot projects; providing membership of the review panel; directing the institute to provide program technical assistance support; providing rulemaking authority; providing an appropriation;

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

Reconsideration

On motion by Rep. Farkas, the House agreed to reconsider the vote by which **Amendment 22 to Amendment 1** was adopted.

The vote was:

Session Vote Sequence: 488

Yeas—71

The Chair	Byrd	Haridopolos	Mealor
Alexander	Cantens	Harrell	Melvin
Allen	Carassas	Harrington	Miller
Andrews	Clarke	Hart	Murman
Argenziano	Crow	Johnson	Needelman
Arza	Davis	Jordan	Negron
Atwater	Diaz de la Portilla	Kallinger	Paul
Barreiro	Diaz-Balart	Kendrick	Pickens
Baxley	Dockery	Kilmer	Ross
Bean	Farkas	Kottkamp	Rubio
Bennett	Fasano	Kravitz	Russell
Bense	Fiorentino	Kyle	Simmons
Benson	Flanagan	Lacasa	Sorensen
Berfield	Garcia	Littlefield	Spratt
Bilirakis	Gardiner	Lynn	Trovillion
Bowen	Gibson	Mack	Wallace
Brown	Goodlette	Mahon	Waters
Brummer	Green	Mayfield	

Nays—43

Ausley	Gottlieb	Lerner	Seiler
Bendross-Mindingall	Greenstein	Machek	Siplin
Betancourt	Harper	McGriff	Slosberg
Brutus	Henriquez	Meadows	Smith
Bucher	Heyman	Peterman	Sobel
Bullard	Holloway	Prieguez	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kosmas	Romeo	Wishner
Gelber	Lee	Ryan	

The question recurred on the adoption of the amendment to the amendment, which failed of adoption.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 065481)

Amendment 23 to Amendment 1 (with title amendment)—On page 129, between lines 5 & 6, of the amendment

insert:

Section 85. Subsection (2) of section 458.315, Florida Statutes, is amended 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:

(2) The board may administer an abbreviated oral examination to determine the physician's competency, but no written regular examination is necessary. *Within 60 days after receipt of an application for a temporary certificate, the board shall review the application and issue the temporary certificate or notify the applicant of denial.*

(Renumber subsequent sections)

And the title is amended as follows:

On page 138, line 30, after "claims;" of the amendment

insert: amending s. 458.315, F.S.; providing requirements for the Board of Medicine in issuing temporary certificates;

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

Representative(s) Kilmer and Maygarden offered the following:

(Amendment Bar Code: 402859)

Amendment 24 to Amendment 1 (with title amendment)—On page 129, between lines 5 and 6,

insert:

Section 85. *A Bachelor of Science in nursing degree program is authorized at the University of West Florida.*

Section 86. *A Master's in Social Work degree program is authorized at Florida Atlantic University.*

And the title is amended as follows:

On page 128, line 30, after the semicolon,

insert: authorizing a Bachelor of Science in nursing degree program at the University of West Florida; authorizing a Master's in Social Work degree program at Florida Atlantic University;

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

Representative(s) Murman offered the following:

(Amendment Bar Code: 523185)

Amendment 25 to Amendment 1 (with title amendment)—On page 129, between lines 5 & 6,

insert:

Section 85. *There is established the Office of Community Partners within the Department of Health for the purpose of receiving, coordinating, and dispensing federal funds set aside to expand the delivery of social services through eligible private community organizations and programs. The office shall provide policy direction and promote civic initiatives which seek to preserve and strengthen families and communities. The Department of Health, the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Corrections may request transfer of general revenue funds between agencies, as approved by the Legislative Budget Commission, as necessary to match federal funds received by the Office of Community Partners for these initiatives.*

And the title is amended as follows:

On page 138, line 30, after "claims;"

insert: establishing the Office of Community Partners within the Department of Health to provide for delivery of social services through eligible private organizations and programs; providing procedure for transfer of general revenue funds to match federal funds received by the office;

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

Representative(s) Fasano offered the following:

(Amendment Bar Code: 130263)

Amendment 26 to Amendment 1 (with title amendment)—On page 1, between lines 16 & 17,

insert: Subsections (6) is added to section 456.003, Florida Statutes, to read:

456.003 Legislative intent; requirements.—

(6) *Unless expressly and specifically granted in statute, the duties conferred on the boards do not include the enlargement, modification, or contravention of the lawful scope of practice of the profession regulated by the boards. This subsection shall not prohibit the boards, or the department when there is no board, from taking disciplinary action or issuing a declaratory statement.*

And the title is amended as follows:

On page 129, line 16, after the semicolon

insert: amending s. 456.003, F.S.; providing a limitation on the duties of certain boards;

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 701889)

Amendment 27 to Amendment 1 (with title amendment)—On page 1, between lines 16 & 17,

insert:

Section 1. It is hereby appropriated for State Fiscal Year 2001-2002, \$713,493 from the General Revenue Fund and \$924,837 from the Medical Care Trust Fund to increase the pharmaceutical dispensing fee for prescriptions dispensed to nursing home residents and other institutional residents from \$4.23 to \$4.73 per prescription.

And the title is amended as follows:

On page 129, line 16, after "regulation;"

insert: providing an appropriation;

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 414143)

Amendment 28 to Amendment 1 (with title amendment)—On page 1, line 17, of the amendment

insert:

Section 1. *It is the intent of the Legislature that the Medical Quality Assurance Trust Fund should be administered in a fiscally responsible manner. It is also the intent of the Legislature that the Department of Health reduce expenses wherever possible to ensure that the cost of regulation is reasonable and fair and does not serve as a barrier to licensure in this state. The Legislature adopts findings 1, 2, 4, 5, and 8 and the recommendations of the Auditor General's Medical Quality Assurance Operational Audit Report Number 01-063. In addition, the Legislature adopts recommendations 1, 2, 4, 5, and 7 of the Florida Senate Committee on Fiscal Policy Interim Project Report 2001-016.*

Section 2. *The Auditor General shall conduct a followup audit to the Medical Quality Assurance Operational Audit Report Number 01-063 to determine if the Department of Health has implemented the recommendations of that report. The Auditor General shall complete the followup audit and issue a report to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2002.*

Section 3. *The contract between the Department of Health and the Agency for Health Care Administration pursuant to section 20.43(3), Florida Statutes, is not subject to the provisions of section 216.346, Florida Statutes. The Department of Health shall reimburse the Agency for Health Care Administration for the agency's actual direct costs and the agency's indirect costs incurred as a result of the contract, subject to appropriated funds. The agency shall provide to the department documentation, explanation, and justification of all direct and indirect costs incurred, by budget entity.*

Section 4. *The Office of Program Policy Analysis and Government Accountability shall study the feasibility of maintaining the entire Medical Quality Assurance function, including enforcement, within a single department. The study shall be completed and a report issued to the President of the Senate and the Speaker of the House of Representatives no later than November 30, 2001.*

Section 5. Subsection (1) of section 456.004, Florida Statutes, is amended, and subsection (10) is added to that section, to read:

456.004 Department; powers and duties.—The department, for the professions under its jurisdiction, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; however, the department may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. *The rules shall specify the expiration dates of licenses and the process for tracking compliance with continuing education requirements, financial responsibility requirements, and any other conditions of renewal set forth in statute or rule.* Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(10) *Set an examination fee that includes all costs to develop, purchase, validate, administer, and defend the examination and is an amount certain to cover all administrative costs plus the actual per-applicant cost of the examination.*

Section 6. Section 456.025, Florida Statutes, is amended to read:

456.025 Fees; receipts; disposition.—

(1) *It is the intent of the Legislature that all costs of regulating health care professions and practitioners shall be borne solely by licensees and licensure applicants. It is also the intent of the Legislature that fees should be reasonable and not serve as a barrier to licensure. Moreover, it is the intent of the Legislature that the department operate as efficiently as possible and regularly report to the Legislature additional methods to streamline operational costs. Therefore, the boards in consultation with the department, or the department if there is no board, shall, by rule, set renewal fees which:*

(a) *Shall be based on revenue projections prepared using generally accepted accounting procedures;*

(b) *Shall be adequate to cover all expenses relating to that board identified in the department's long-range policy plan, as required by s. 456.005;*

(c) *Shall be reasonable, fair, and not serve as a barrier to licensure;*

(d) *Shall be based on potential earnings from working under the scope of the license;*

(e) *Shall be similar to fees imposed on similar licensure types;*

(f) *Shall not be more than 10 percent greater than the fee imposed for the previous biennium;*

(g) *Shall not be more than 10 percent greater than the actual cost to regulate that profession for the previous biennium; and*

(h) *Shall be subject to challenge pursuant to chapter 120.*

(2) *The chairpersons of the boards and councils listed in s. 20.43(3)(g) shall meet annually at division headquarters to review the long-range policy plan required by s. 456.005 and current and proposed fee schedules. The chairpersons shall make recommendations for any necessary statutory changes relating to fees and fee caps. Such recommendations shall be compiled by the Department of Health and be included in the annual report to the Legislature required by s. 456.026 as well as be included in the long-range policy plan required by s. 456.005.*

(2)(4) Each board within the jurisdiction of the department, or the department when there is no board, shall determine by rule the amount of license fees for the profession it regulates, based upon long-range

estimates prepared by the department of the revenue required to implement laws relating to the regulation of professions by the department and the board. Each board, or the department if there is no board, shall ensure that license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by rule of the agency, with advice of the applicable board. If sufficient action is not taken by a board within 1 year after notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the applicable board to cover anticipated costs and to maintain the required cash balance. The department shall include recommended fee cap increases in its annual report to the Legislature. Further, it is the legislative intent that no regulated profession operate with a negative cash balance. The department may provide by rule for advancing sufficient funds to any profession operating with a negative cash balance. The advancement may be for a period not to exceed 2 consecutive years, and the regulated profession must pay interest. Interest shall be calculated at the current rate earned on investments of a trust fund used by the department to implement this chapter. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.

(3)(2) Each board, or the department if there is no board, may charge a fee not to exceed \$25, as determined by rule, for the issuance of a wall certificate pursuant to s. 456.013(2) requested by a licensee who was licensed prior to July 1, 1998, or for the issuance of a duplicate wall certificate requested by any licensee.

(4)(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 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.

(5) *If the cash balance of the trust fund at the end of any fiscal year exceeds the total appropriation provided for the regulation of the health care professions in the prior fiscal year, the boards, in consultation with the department, may lower the license renewal fees.*

(6)(4) ~~Each board authorized to approve continuing education providers, or the department if there is no board, shall may establish, by rule, a fee not to exceed \$250 for anyone seeking approval to provide continuing education courses or programs and shall may establish by rule a biennial renewal fee not to exceed \$250 for the renewal of providership of such courses. The fees collected from continuing education providers shall be used for the purposes of reviewing course provider applications, monitoring the integrity of the courses provided, covering legal expenses incurred as a result of not granting or renewing a providership, and developing and maintaining an electronic continuing education tracking system. The department shall implement an electronic continuing education tracking system for each new biennial renewal cycle for which electronic renewals are implemented after the effective date of this act and shall integrate such system into the licensure and renewal system. All approved continuing education providers shall provide information on course attendance to the department necessary to implement the electronic tracking system. The department shall, by rule, specify the form and procedures by which the information is to be submitted. This subsection does not apply to continuing education courses or providers approved by the board under chapter 465.~~

(7)(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 chapter. The Legislature shall appropriate funds from this trust fund sufficient to carry out this chapter 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 chapter 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 chapter, 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. *On or before October 1 of each year*, 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. 456.026.

(8)(6) The department shall provide a condensed management report of budgets, finances, performance statistics, and recommendations to each board at least once a quarter. The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(9)(7) If a duplicate license is required or requested by the licensee, the board or, if there is no board, the department may charge a fee as determined by rule not to exceed \$25 before issuance of the duplicate license.

(10)(8) The department or the appropriate board shall charge a fee not to exceed \$25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplicating a public record as provided in s. 119.07(1)(a) and (b).

Section 7. 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 *required* fee set by the board by rule, not to exceed \$500.

Section 8. *Section 458.31151, Florida Statutes, is repealed.*

Section 9. Subsection (1) of section 483.807, Florida Statutes, is amended to read:

483.807 Fees; establishment; disposition.—

(1) The board, by rule, shall establish fees to be paid for application, examination, reexamination, licensing and renewal, *registration, laboratory training program application*, reinstatement, and recordmaking and recordkeeping. The board may also establish, by rule, a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department in carrying out its licensure and other related responsibilities under this part. Fees shall be based on departmental estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of clinical laboratory personnel.

Section 10. Subsections (1), (3), and (4) of section 456.011, Florida Statutes, are amended to read:

456.011 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department shall comply with the provisions of this *chapter section*.

(3) The board shall meet at least once annually and may meet as often as is necessary. *Meetings shall be conducted through teleconferencing or other technological means, unless disciplinary hearings involving standard of care, sexual misconduct, fraud, impairment, or felony convictions; licensure denial hearings; or controversial rule hearings are being conducted; or unless otherwise approved in advance of the meeting by the director of the Division of Medical Quality Assurance.* The chairperson or a quorum of the board shall have the authority to call ~~other~~ meetings, *except as provided above relating to in-person meetings.* A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this chapter or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

(4) Unless otherwise provided by law, a board member or former board member serving on a probable cause panel shall be compensated \$50 for each day in attendance at an official meeting of the board and for each day of participation in any other business involving the board. Each board shall adopt rules defining the phrase "other business involving the board," but the phrase may not routinely be defined to include telephone conference calls *that last less than 4 hours.* A board member also shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.

Section 11. Subsection (2) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(2) Before the issuance of any license, the department ~~shall~~ *may* charge an initial license fee as determined by ~~rule of~~ the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card and a wall card measuring 6½ inches by 5 inches. In addition to the two-part license, the department, at the time of initial licensure, shall issue a wall certificate suitable for conspicuous display, which shall be no smaller than 8½ inches by 14 inches. The licensee shall surrender to the department the wallet-size identification card, the wall card, and the wall certificate, if one has been issued by the department, if the licensee's license is revoked.

Section 12. Section 456.017, Florida Statutes, is amended to read:

456.017 Department of Health; examinations.—

(1)(a) The department shall provide, contract, or approve services for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations, in consultation with the appropriate board. The department shall certify that examinations developed and approved by the department adequately and reliably measure an applicant's ability to practice the profession regulated by the department. After an examination developed or approved by the department has been administered, the board, or the department when there is no board, may reject any question which does not reliably measure the general areas of competency specified in the rules of the

board. The department may contract for the preparation, administration, scoring, score reporting, and evaluation of examinations, when such services are available and approved by the board.

(b) For each examination developed by the department or contracted vendor, to the extent not otherwise specified by statute, the board, or the department when there is no board, shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade. ~~The department shall assess, and fees, where applicable, to cover the actual cost for any purchase, development, validation, and administration, and defense of required examinations.~~ This subsection does not apply to national examinations approved and administered pursuant to paragraph (c). If a practical examination is deemed to be necessary, the rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board, or the department when there is no board, may conduct such exercise. Therefore, board members, or employees of the department when there is no board, may serve as examiners at a practical examination with the consent of the board or department, as appropriate.

(c)1. The board, or the department when there is no board, ~~shall may~~ approve by rule the use of *one or more* ~~any~~ national examinations ~~examination~~ which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

2. *The board, or the department when there is no board, shall approve and begin administering a national examination no later than December 31, 2001. Neither the board nor the department may administer a state-developed written examination after December 31, 2001, notwithstanding any other provision of law. The examination may be administered electronically if adequate security measures are used, as determined by rule of the department.*

3. *The board, or the department when there is no board, may administer a state-developed practical or clinical examination, as required by the applicable practice act, if all costs of development, purchase, validation, administration, review, and defense are paid by the examination candidate prior to the administration of the examination. If a national practical or clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.*

4. *It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.*

(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. 456.065 to seek fines and injunctive relief against an examinee who violates the provisions of s. 456.018 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. *The scores of candidates who have taken state-developed examinations shall be provided to the candidates electronically using a candidate identification number, and the department shall post the aggregate scores on the department's website without identifying the names of the candidates.*

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority or a national testing entity an examination or examination item bank developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this chapter.

(f) The department may adopt rules necessary to administer this subsection.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. *Notwithstanding any other provision of law, only candidates who fail an examination by less than 10 percent shall be entitled to challenge the validity of the examination at hearing.*

(3) For each examination developed or administered by the department or a contracted vendor, an accurate record of each applicant's examination questions, answers, papers, grades, and grading key shall be kept for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and 257. This subsection does not apply to national examinations approved and administered pursuant to this section.

(4) Meetings of any member of the department or of any board within the department held for the exclusive purpose of creating or reviewing licensure examination questions or proposed examination questions are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. Any public records, such as tape recordings, minutes, or notes, generated during or as a result of such meetings are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, these exemptions shall not affect the right of any person to review an examination as provided in subsection (2).

(5) For examinations developed by the department or a contracted vendor, each board, or the department when there is no board, may provide licensure examinations in an applicant's native language. *Notwithstanding any other provision of law*, applicants for examination or reexamination pursuant to this subsection shall bear the full cost for the department's development, preparation, *validation*, administration, grading, and evaluation of any examination in a language other than

English prior to the examination being administered. Requests for translated examinations must be on file in the board office at least 6 months prior to the scheduled examination. When determining whether it is in the public interest to allow the examination to be translated into a language other than English, the board shall consider the percentage of the population who speak the applicant's native language. Applicants must apply for translation to the applicable board at least 6 months prior to the scheduled examination.

(6) In addition to meeting any other requirements for licensure by examination or by endorsement, and notwithstanding the provisions in paragraph (1)(c), an applicant may be required by a board, or the department when there is no board, to certify competency in state laws and rules relating to the applicable practice act. *Beginning October 1, 2001, all laws and rules examinations shall be administered electronically unless the laws and rules examination is administered concurrently with another written examination for that profession or unless the electronic administration would be substantially more expensive.*

Section 13. Subsection (1) of section 456.035, Florida Statutes, is amended to read:

456.035 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice, as defined by rule of the board or the department if there is no board. *Electronic notification shall be allowed by the department; however, it shall be the responsibility of the licensee to ensure that the electronic notification was received by the department.* A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department if there is no board.

Section 14. Subsections (2), (4), and (10) of section 456.073, Florida Statutes, are amended to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the department complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the department, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. *The department shall not recommend a letter of guidance in lieu of finding probable cause if the subject has already been issued a letter of guidance for a related offense.* At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, is willing to serve, and is authorized to do so by the board chair. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his or her privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department if there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause has been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. Annually, the department, *in consultation with the applicable probable cause panel, if there is no board, or each board* must establish a plan to expedite ~~reduce~~ or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from a trust fund used by the department to implement this chapter. All proceedings of the probable cause panel are exempt from s. 120.525.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated

professional or subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. Upon completion of the investigation *and a recommendation by the department to find probable cause*, and pursuant to a written request by the subject or the subject's attorney, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 456.057, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 456.057. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days of mailing by the department, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

Section 15. Section 456.081, Florida Statutes, is amended to read:

456.081 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter *on the department's website*, about information that the department or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in ~~disciplinary action fines, suspensions, or revocations~~, and any other information the department or the board determines is of interest to the public.

Section 16. Paragraphs (c) and (q) of subsection (1) of section 456.072, Florida Statutes, are amended, paragraphs (aa), (bb), and (cc) are added to said subsection, paragraphs (c), (d), and (e) of subsection (2) and subsection (4) are amended, and paragraphs (i) and (j) are added to subsection (2) of said section, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(c) Being convicted or found guilty of, or entering a plea of *guilty* or *nolo contendere* to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

(q) ~~Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.~~

(aa) *Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. For the purposes of this paragraph, performing or attempting to perform health care services includes the preparation of the patient.*

(bb) *Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures. For the purposes of this paragraph, it shall be legally presumed that retention of a foreign body is not in the best interest of the patient and is not within the standard of care of the profession, regardless of the intent of the professional.*

(cc) *Violating any provision of this chapter, the applicable practice act, or any rules adopted pursuant thereto.*

(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, *including, but not limited to, restricting the licensee from practicing in certain settings, restricting the licensee to work only under designated conditions or in certain settings, restricting the licensee from performing or providing designated clinical and administrative services, restricting the licensee from practicing more than a designated number of hours, or any other restriction found to be necessary for the protection of the public health, safety, and welfare.*

(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense. *If the violation is for fraud or making a false or fraudulent representation, the board, or the department if there is no board, must impose a fine of \$10,000 per count or offense.*

(e) Issuance of a reprimand or letter of concern.

(i) *Refund of fees billed and collected from the patient or a third party on behalf of the patient.*

(j) *Requirement that the practitioner undergo remedial education.*

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.

(4) In addition to any other discipline imposed *through final order, or citation, entered on or after July 1, 2001*, pursuant to this section or discipline imposed *through final order, or citation, entered on or after July 1, 2001*, for a violation of any practice act, the board, or the department when there is no board, ~~shall may~~ assess costs related to the investigation and prosecution of the case. In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

Section 17. Subsection (3) of section 456.079, Florida Statutes, is amended to read:

456.079 Disciplinary guidelines.—

(3) A specific finding *in the final order* of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department if there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

Section 18. Subsections (1) and (2) of section 457.109, Florida Statutes, are amended to read:

457.109 Disciplinary actions; grounds; action by the board.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:*

(a) Attempting to obtain, obtaining, or renewing a license to practice acupuncture by bribery, by fraudulent misrepresentations, or through an error of the department.

(b) Having a license to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of acupuncture or to the ability to practice acupuncture. Any plea of *nolo contendere* shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising or advertising which claims that acupuncture is useful in curing any disease.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, employing, or advising any unlicensed person to practice acupuncture contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a licensed acupuncturist.

(i) Making or filing a report 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 do so. Such reports or records shall include only those which are signed in the capacity as a licensed acupuncturist.

(j) Exercising influence within a patient-acupuncturist relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her acupuncturist.

(k) Making deceptive, untrue, or fraudulent representations in the practice of acupuncture or employing a trick or scheme in the practice of acupuncture when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep written medical records justifying the course of treatment of the patient.

(n) Exercising influence on the patient to exploit the patient for the financial gain of the licensee or of a third party.

(o) Being unable to practice acupuncture 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, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to serve as an acupuncturist due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the licensee to submit to a mental or physical examination by a physician 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 serves as an acupuncturist. The licensee against whom the petition is filed shall not be named or identified by initials in any public court record or document, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. An acupuncturist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of acupuncture with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department shall be used against an acupuncturist in any other proceeding.

(p) Gross or repeated malpractice or the failure to practice acupuncture with that level of care, skill, and treatment which is recognized by a reasonably prudent similar acupuncturist as being acceptable under similar conditions and circumstances.

(q) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(r) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know

that such person is not qualified by training, experience, or licensure to perform them.

(s) Violating ~~any provision of this chapter, a rule of the department, or a lawful order of the board department~~ previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(t) Conspiring with another to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(u) Fraud or deceit or gross negligence, incompetence, or misconduct in the operation of a course of study.

(v) Failing to comply with state, county, or municipal regulations or reporting requirements relating to public health and the control of contagious and infectious diseases.

(w) Failing to comply with any rule of the board relating to health and safety, including, but not limited to, the sterilization of needles and equipment and the disposal of potentially infectious materials.

(x) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the acts set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the acupuncturist on probation for a period of time and subject to such conditions as the board may specify.~~

Section 19. Subsection (6) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(6) Any deceptive, untrue, or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action ~~under as specified in s. 458.331.~~

Section 20. Subsections (1) and (2) of section 458.331, Florida Statutes, are amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts ~~shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license to practice medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of

administrative charges against the physician's license, shall be construed as action against the physician's license.

(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 medicine or to the ability to practice medicine.

(d) False, deceptive, or misleading advertising.

(e) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board. A treatment provider approved pursuant to s. 456.076 shall provide the department or consultant with information in accordance with the requirements of s. 456.076(3), (4), (5), and (6).

(f) Aiding, assisting, procuring, or advising any unlicensed person to practice medicine contrary to this chapter or to a rule of the department or the board.

(g) Failing to perform any statutory or legal obligation placed upon a licensed physician.

(h) Making or filing a report 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 do so. Such reports or records shall include only those which are signed in the capacity as a licensed physician.

(i) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a physician from receiving a fee for professional consultation services.

(j) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

(k) Making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs.

(o) Promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(p) Performing professional services which have not been duly authorized by the patient or client, or his or her legal representative, except as provided in s. 743.064, s. 766.103, or s. 768.13.

(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his or her intent.

(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the physician to himself or herself, except one prescribed, dispensed, or administered to the physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.

(s) Being unable to practice medicine 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 medicine 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 licensee against whom the petition is filed may not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. 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 medicine with reasonable skill and safety to patients.

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$25,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, "gross malpractice" or "the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances," shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(x) Violating ~~any provision of this chapter, a rule of the board or department, or~~ 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.

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(aa) Presigning blank prescription forms.

(bb) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the physician for office use.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(dd) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, or advanced registered nurse practitioners acting under the supervision of the physician.

(ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ff) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amygdalin (laetrile) to any person.

(gg) Misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure.

(hh) Improperly interfering with an investigation or with any disciplinary proceeding.

(ii) Failing to report to the department any licensee under this chapter or under chapter 459 who the physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the physician or physician assistant also provides services.

(jj) Being found by any court in this state to have provided corroborating written medical expert opinion attached to any statutorily required notice of claim or intent or to any statutorily required response rejecting a claim, without reasonable investigation.

(kk) Failing to report to the board, in writing, within 30 days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country.

(ll) Advertising or holding oneself out as a board-certified specialist, if not qualified under s. 458.3312, in violation of this chapter.

(mm) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(nn) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or certification with restrictions, to the department an application for licensure, certification, or registration.

(b) Revocation or suspension of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another physician.

(g) Issuance of a letter of concern.

(h) Corrective action.

(i) Refund of fees billed to and collected from the patient.

(j) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.

In determining what action is appropriate, the 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 physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 21. Subsection (2) of 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.—

(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 *grounds* the basis for imposing a disciplinary action under 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.

Section 22. Paragraph (g) of subsection (7) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(g) The Board of Medicine may impose any of the penalties authorized under ~~specified in~~ ss. 456.072 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 chapter 456.

Section 23. Subsection (6) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(6) Any deceptive, untrue, or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action ~~under as specified in s. 459.015.~~

Section 24. Subsections (1) and (2) of section 459.015, Florida Statutes, are amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license to practice osteopathic medicine or a certificate issued under this chapter by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement offered in response to or in anticipation of the filing of administrative charges against the physician shall be construed as action against the physician's license.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of osteopathic medicine or to the ability to practice osteopathic medicine. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges.

(d) False, deceptive, or misleading advertising.

(e) Failing to report to the department or the department's impaired professional consultant any person who the licensee or certificateholder knows is in violation of this chapter or of the rules of the department or the board. A treatment provider, approved pursuant to s. 456.076, shall provide the department or consultant with information in accordance with the requirements of s. 456.076(3), (4), (5), and (6).

(f) Aiding, assisting, procuring, or advising any unlicensed person to practice osteopathic medicine contrary to this chapter or to a rule of the department or the board.

(g) Failing to perform any statutory or legal obligation placed upon a licensed osteopathic physician.

(h) Giving false testimony in the course of any legal or administrative proceedings relating to the practice of medicine or the delivery of health care services.

(i) Making or filing a report 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 do so. Such reports or records shall include only those which are signed in the capacity as a licensed osteopathic physician.

(j) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, person, partnership, firm, corporation, or other business entity, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an osteopathic physician from receiving a fee for professional consultation services.

(k) Refusing to provide health care based on a patient's participation in pending or past litigation or participation in any disciplinary action

conducted pursuant to this chapter, unless such litigation or disciplinary action directly involves the osteopathic physician requested to provide services.

(l) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of osteopathic medicine or employing a trick or scheme in the practice of osteopathic medicine.

(n) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or forms of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(o) Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed osteopathic physician or the osteopathic physician extender and supervising osteopathic physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(p) Fraudulently altering or destroying records relating to patient care or treatment, including, but not limited to, patient histories, examination results, and test results.

(q) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs.

(r) Promoting or advertising on any prescription form of a community pharmacy, unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(s) Performing professional services which have not been duly authorized by the patient or client or his or her legal representative except as provided in s. 743.064, s. 766.103, or s. 768.13.

(t) Prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the osteopathic physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the osteopathic physician's professional practice, without regard to his or her intent.

(u) Prescribing or dispensing any medicinal drug appearing on any schedule set forth in chapter 893 by the osteopathic physician for himself or herself or administering any such drug by the osteopathic physician to himself or herself unless such drug is prescribed for the osteopathic physician by another practitioner authorized to prescribe medicinal drugs.

(v) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amygdalin (laetrile) to any person.

(w) Being unable to practice osteopathic medicine 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, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, have 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 licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. 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 medicine with reasonable skill and safety to patients.

(x) Gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$25,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the osteopathic physician. As used in this paragraph, "gross malpractice" or "the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that an osteopathic physician be incompetent to practice osteopathic medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances," or any combination thereof, and any publication by the board shall so specify.

(y) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(z) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

(aa) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(bb) ~~Violating any provision of this chapter, a rule of the board or department, or 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.~~

(cc) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(dd) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(ee) Presigning blank prescription forms.

(ff) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the osteopathic physician for office use.

(gg) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(hh) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, advanced registered nurse practitioners, or other persons acting under the supervision of the osteopathic physician.

(ii) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(jj) Misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure.

(kk) Improperly interfering with an investigation or with any disciplinary proceeding.

(ll) Failing to report to the department any licensee under chapter 458 or under this chapter who the osteopathic physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the osteopathic physician or physician assistant also provides services.

(mm) Being found by any court in this state to have provided corroborating written medical expert opinion attached to any statutorily required notice of claim or intent or to any statutorily required response rejecting a claim, without reasonable investigation.

(nn) Advertising or holding oneself out as a board-certified specialist in violation of this chapter.

(oo) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(pp) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board 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) Refusal to certify, or certify with restrictions, to the department an application for certification, licensure, renewal, or reactivation.~~

~~(b) Revocation or suspension of a license or certificate.~~

- ~~(e) Restriction of practice.~~
- ~~(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~
- ~~(e) Issuance of a reprimand.~~
- ~~(f) Issuance of a letter of concern.~~
- ~~(g) Placement of the osteopathic physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the osteopathic physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another osteopathic physician.~~
- ~~(h) Corrective action.~~
- ~~(i) Refund of fees billed to and collected from the patient.~~
- ~~(j) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

In determining what action is appropriate, the 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 physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 25. Paragraph (f) of subsection (7) of section 459.022, Florida Statutes, is amended to read:

459.022 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(f) The Board of Osteopathic Medicine may impose any of the penalties *authorized under specified in* ss. 456.072 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 chapter 456.

Section 26. Subsections (1) and (2) of section 460.413, Florida Statutes, are amended to read:

460.413 Grounds for disciplinary action; action by board or department.—

(1) The following acts ~~shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license to practice chiropractic medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice chiropractic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of chiropractic medicine or to the ability to practice chiropractic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Causing to be advertised, by any means whatsoever, any advertisement which does not contain an assertion or statement which would identify herself or himself as a chiropractic physician or identify such chiropractic clinic or related institution in which she or he practices or in which she or he is owner, in whole or in part, as a chiropractic institution.

(f) Advertising, practicing, or attempting to practice under a name other than one's own.

(g) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(h) Aiding, assisting, procuring, or advising any unlicensed person to practice chiropractic medicine contrary to this chapter or to a rule of the department or the board.

(i) Failing to perform any statutory or legal obligation placed upon a licensed chiropractic physician.

(j) Making or filing a report 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 do so. Such reports or records shall include only those which are signed in the capacity of a licensed chiropractic physician.

(k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of chiropractic medicine or employing a trick or scheme in the practice of chiropractic medicine when such trick or scheme fails to conform to the generally prevailing standards of treatment in the chiropractic medical community.

(l) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(m) Failing to keep legibly written chiropractic medical records that identify clearly by name and credentials the licensed chiropractic physician rendering, ordering, supervising, or billing for each examination or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and diagnosis of a disease, condition, or injury. X rays need not be retained for more than 4 years.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods or appliances, or drugs.

(o) Performing professional services which have not been duly authorized by the patient or client or her or his legal representative except as provided in ss. 743.064, 766.103, and 768.13.

(p) Prescribing, dispensing, or administering any medicinal drug except as authorized by s. 460.403(9)(c)2., performing any surgery, or practicing obstetrics.

(q) Being unable to practice chiropractic medicine 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, upon a finding by the secretary of the department, or his or her designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. The record of proceedings to obtain a compelled mental or physical examination shall not be used against a licensee in any other proceedings. A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of chiropractic medicine with reasonable skill and safety to patients.

(r) Gross or repeated malpractice or the failure to practice chiropractic medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in

interpreting this provision. A recommended order by an administrative law judge, or a final order of the board finding a violation under this section shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice chiropractic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances" or any combination thereof, and any publication by the board shall so specify.

(s) Performing any procedure or prescribing any therapy which, by the prevailing standards of chiropractic medical practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(t) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(u) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(v) ~~Violating any provision of this chapter, any rule of the board or department, or 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.~~

(w) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(x) Submitting to any third-party payor a claim for a service or treatment which was not actually provided to a patient.

(y) Failing to preserve identity of funds and property of a patient. As provided by rule of the board, money or other property entrusted to a chiropractic physician for a specific purpose, including advances for costs and expenses of examination or treatment, is to be held in trust and must be applied only to that purpose. Money and other property of patients coming into the hands of a chiropractic physician are not subject to counterclaim or setoff for chiropractic physician's fees, and a refusal to account for and deliver over such money and property upon demand shall be deemed a conversion. This is not to preclude the retention of money or other property upon which the chiropractic physician has a valid lien for services or to preclude the payment of agreed fees from the proceeds of transactions for examinations or treatments. Controversies as to the amount of the fees are not grounds for disciplinary proceedings unless the amount demanded is clearly excessive or extortionate, or the demand is fraudulent. All funds of patients paid to a chiropractic physician, other than advances for costs and expenses, shall be deposited in one or more identifiable bank accounts maintained in the state in which the chiropractic physician's office is situated, and no funds belonging to the chiropractic physician shall be deposited therein except as follows:

1. Funds reasonably sufficient to pay bank charges may be deposited therein.

2. Funds belonging in part to a patient and in part presently or potentially to the physician must be deposited therein, but the portion belonging to the physician may be withdrawn when due unless the right of the physician to receive it is disputed by the patient, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

Every chiropractic physician shall maintain complete records of all funds, securities, and other properties of a patient coming into the possession of the physician and render appropriate accounts to the patient regarding them. In addition, every chiropractic physician shall promptly pay or deliver to the patient, as requested by the patient, the funds, securities, or other properties in the possession of the physician which the patient is entitled to receive.

(z) Offering to accept or accepting payment for services rendered by assignment from any third-party payor after offering to accept or accepting whatever the third-party payor covers as payment in full, if the effect of the offering or acceptance is to eliminate or give the impression of eliminating the need for payment by an insured of any required deductions applicable in the policy of the insured.

(aa) Failing to provide, upon request of the insured, a copy of a claim submitted to any third-party payor for service or treatment of the insured.

(bb) Advertising a fee or charge for a service or treatment which is different from the fee or charge the licensee submits to third-party payors for that service or treatment.

(cc) Advertising any reduced or discounted fees for services or treatments, or advertising any free services or treatments, without prominently stating in the advertisement the usual fee of the licensee for the service or treatment which is the subject of the discount, rebate, or free offering.

(dd) Using acupuncture without being certified pursuant to s. 460.403(9)(f).

(ee) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the chiropractic physician or chiropractic physician's assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the chiropractic physician or chiropractic physician's assistant also provides services.

(ff) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board 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) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the chiropractic physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician.~~

~~(g) Imposition of costs of the investigation and prosecution.~~

~~(h) Requirement that the chiropractic physician undergo remedial education.~~

~~(i) Issuance of a letter of concern.~~

~~(j) Corrective action.~~

~~(k) Refund of fees billed to and collected from the patient or a third party.~~

In determining what action is appropriate, the 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 chiropractic physician. All costs associated

with compliance with orders issued under this subsection are the obligation of the chiropractic physician.

Section 27. Subsections (1) and (2) of section 461.013, Florida Statutes, are amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(1) The following acts shall constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license to practice podiatric medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice podiatric medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of podiatric medicine or to the ability to practice podiatric medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, permitting, or advising any unlicensed person to practice podiatric medicine contrary to this chapter or to rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed podiatric physician.

(i) Making or filing a report 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 do so. Such report or records shall include only those which are signed in the capacity of a licensed podiatric physician.

(j) Making misleading, deceptive, untrue, or fraudulent representations in the practice of podiatric medicine or employing a trick or scheme in the practice of podiatric medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community.

(k) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(l) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(m) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(n) Performing professional services which have not been duly authorized by the patient or client or her or his legal representative except as provided in ss. 743.064, 766.103, and 768.13.

(o) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, other than

in the course of the podiatric physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the podiatric physician's professional practice, without regard to her or his intent.

(p) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatric physician to herself or himself except those prescribed, dispensed, or administered to the podiatric physician by another practitioner authorized to prescribe, dispense, or administer them.

(q) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to chapter 893.

(r) Being unable to practice podiatric medicine 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, upon probable cause, have authority to compel a podiatric physician to submit to a mental or physical examination by physicians designated by the department. Failure of a podiatric physician to submit to such examination when directed shall constitute an admission of the allegations against her or him, unless the failure was due to circumstances beyond her or his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A podiatric physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of podiatric medicine with reasonable skill and safety to patients.

(s) Gross or repeated malpractice or the failure to practice podiatric medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatric physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this section. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$10,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the podiatric physicians. As used in this paragraph, "gross malpractice" or "the failure to practice podiatric medicine with the level of care, skill, and treatment which is recognized by a reasonably prudent similar podiatric physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act.

(t) Performing any procedure or prescribing any therapy which, by the prevailing standards of podiatric medical practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent.

(u) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(v) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

~~(w) Violating any provision of this chapter or chapter 456, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawful issued subpoena of the board or department.~~

(x) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce,

intimidate, or preclude another licensee from lawfully advertising her or his services.

(y) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for any of the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(z) Fraud, deceit, or misconduct in the practice of podiatric medicine.

(aa) Failing to report to the department any licensee under chapter 458 or chapter 459 who the podiatric physician knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the podiatric physician also provides services.

(bb) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(cc) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board 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) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placing the podiatric physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the podiatric physician to submit to treatment, to attend continuing education courses, to submit to reexamination, and to work under the supervision of another podiatric physician.~~

~~(g) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

Section 28. Subsections (1) and (2) of section 462.14, Florida Statutes, are amended to read:

462.14 Grounds for disciplinary action; action by the department.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:*

(a) Attempting to obtain, obtaining, or renewing a license to practice naturopathic medicine by bribery, by fraudulent misrepresentation, or through an error of the department.

(b) Having a license to practice naturopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of naturopathic medicine or to the ability to practice naturopathic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice naturopathic medicine contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a licensed naturopathic physician.

(i) Making or filing a report 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 do so. Such reports or records shall include only those which are signed in the capacity as a licensed naturopathic physician.

(j) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a naturopathic physician from receiving a fee for professional consultation services.

(k) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with her or his physician.

(l) Making deceptive, untrue, or fraudulent representations in the practice of naturopathic medicine or employing a trick or scheme in the practice of naturopathic medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community.

(m) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A "solicitation" is any communication which directly or implicitly requests an immediate oral response from the recipient.

(n) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and records of the prescribing, dispensing and administering of drugs.

(o) Exercising influence on the patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form also states "This prescription may be filled at any pharmacy of your choice."

(p) Performing professional services which have not been duly authorized by the patient or client, or her or his legal representative, except as provided in s. 743.064, s. 766.103, or s. 768.13.

(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the naturopathic physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the naturopathic physician's professional practice, without regard to her or his intent.

(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the naturopathic physician to herself or himself, except one prescribed, dispensed, or administered to the naturopathic physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.

(s) Being unable to practice naturopathic medicine 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 probable cause, authority to compel a naturopathic physician to submit to a mental or physical examination by physicians designated by the department. The failure of a naturopathic physician to submit to such an examination when so directed shall constitute an admission of the allegations against her or him upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the naturopathic physician's control. A naturopathic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of naturopathic medicine with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department may be used against a naturopathic physician in any other proceeding.

(t) Gross or repeated malpractice or the failure to practice naturopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The department shall give great weight to the provisions of s. 766.102 when enforcing this paragraph.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, constitutes experimentation on a human subject, without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

~~(x) Violating any provision of this chapter, any rule of the department, or a lawful order of the department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.~~

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(aa) Presigning blank prescription forms.

(bb) Prescribing by the naturopathic physician for office use any medicinal drug appearing on Schedule II in chapter 893.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is an amphetamine or sympathomimetic amine drug, or a compound designated pursuant to chapter 893 as a Schedule II controlled substance to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome in children characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span,

hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction.

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities.

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the department before such investigation is begun.

(dd) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ee) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). ~~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:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the naturopathic physician on probation for a period of time and subject to such conditions as the department may specify, including, but not limited to, requiring the naturopathic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another naturopathic physician.~~

Section 29. Subsections (1) and (2) of section 463.016, Florida Statutes, are amended to read:

463.016 Grounds for disciplinary action; action by the board.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:*

(a) Procuring or attempting to procure a license to practice optometry by bribery, by fraudulent misrepresentations, or through an error of the department or board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Having a license to practice optometry revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction.

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of optometry or to the ability to practice optometry. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter.

(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 do so. Such reports or records shall include only those which are signed by the licensee in her or his capacity as a licensed practitioner.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Fraud or deceit, negligence or incompetency, or misconduct in the practice of optometry.

(h) A violation or repeated violations of provisions of this chapter, or of chapter 456, and any rules promulgated pursuant thereto.

(i) 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.

(j) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(k) Failing to keep written optometric records about the examinations, treatments, and prescriptions for patients.

(l) Willfully failing to report any person who the licensee knows is in violation of this chapter or of rules of the department or the board.

(m) Gross or repeated malpractice.

(n) Practicing with a revoked, suspended, inactive, or delinquent license.

(o) Being unable to practice optometry 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. A licensed practitioner affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of optometry with reasonable skill and safety to patients.

(p) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida laws or rules regulating optometry.

(q) Violating any provision of s. 463.014 or s. 463.015.

(r) Violating any 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.

(s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensed practitioner knows or has reason to know she or he is not competent to perform.

(t) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) The department may enter an order imposing any of the penalties in s. 456.072(2) against any licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board 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) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the licensed practitioner on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensed practitioner to submit to treatment, to attend continuing education courses, or to work under the supervision of another licensed practitioner.~~

Section 30. Subsections (1) and (2) of section 464.018, Florida Statutes, are amended to read:

464.018 Disciplinary actions.—

(1) The following acts ~~shall be~~ grounds for ~~denial of a license or disciplinary action, as specified in s. 456.072(2) disciplinary action set forth in this section:~~

(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or the board.

(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the 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 nursing or to the ability to practice nursing.

(d) Being found guilty, regardless of adjudication, of any of the following offenses:

1. A forcible felony as defined in chapter 776.

2. A violation of chapter 812, relating to theft, robbery, and related crimes.

3. A violation of chapter 817, relating to fraudulent practices.

4. A violation of chapter 800, relating to lewdness and indecent exposure.

5. A violation of chapter 784, relating to assault, battery, and culpable negligence.

6. A violation of chapter 827, relating to child abuse.

7. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.

8. A violation of chapter 39, relating to child abuse, abandonment, and neglect.

(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; or having committed an act which constitutes domestic violence as defined in s. 741.28.

(f) Making or filing a false 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 do so. Such reports or records shall include only those which are signed in the nurse's capacity as a licensed nurse.

(g) False, misleading, or deceptive advertising.

(h) Unprofessional conduct, which shall include, but not be limited to, any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing nursing practice, in which case actual injury need not be established.

(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.

(j) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or 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 nursing 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 licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A nurse affected by the provisions of this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of nursing with reasonable skill and safety to patients.

(k) Failing to report to the department any person who the licensee knows is in violation of this part 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, 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.

(m) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the nurse knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the nurse also provides services.

(n) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board 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) Refusal to certify to the department an application for licensure.~~
- ~~(b) Revocation or suspension of a license with reinstatement subject to the provisions of subsection (3).~~
- ~~(c) Permanent revocation of a license.~~
- ~~(d) Restriction of practice.~~
- ~~(e) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- ~~(f) Issuance of a reprimand.~~
- ~~(g) Placement of the nurse on probation for a period of time and subject to such conditions as the board may specify, including requiring the nurse to submit to treatment, to attend continuing education courses, to take an examination, or to work under the supervision of another nurse.~~

Section 31. Subsections (3) and (4) of section 465.008, Florida Statutes, are amended to read:

465.008 Renewal of license.—

~~(3) Sixty days prior to the end of the biennium the department shall mail a notice of renewal to the last known address of the licensee.~~

(3)(4) Any person licensed under this chapter for 50 years or more is exempt from the payment of the renewal or delinquent fee, and the department shall issue a lifetime license to such a person.

Section 32. Subsections (1) and (2) of section 465.016, Florida Statutes, are amended to read:

465.016 Disciplinary actions.—

(1) The following acts ~~constitute shall be~~ grounds for ~~denial of a license or disciplinary action, as specified in s. 456.072(2) disciplinary action set forth in this section:~~

(a) Obtaining a license by misrepresentation 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) Permitting any person not licensed as a pharmacist in this state or not registered as an intern in this state, or permitting a registered intern who is not acting under the direct and immediate personal supervision of a licensed pharmacist, to fill, compound, or dispense any prescriptions in a pharmacy owned and operated by such pharmacist or in a pharmacy where such pharmacist is employed or on duty.

(d) Being unfit or incompetent to practice pharmacy by reason of:

1. Habitual intoxication.

2. The misuse or abuse of any medicinal drug appearing in any schedule set forth in chapter 893.

3. Any abnormal physical or mental condition which threatens the safety of persons to whom she or he might sell or dispense prescriptions, drugs, or medical supplies or for whom she or he might manufacture, prepare, or package, or supervise the manufacturing, preparation, or packaging of, prescriptions, drugs, or medical supplies.

~~(e) Violating any of the requirements of this chapter; or if licensed as a practitioner in this or any other state, violating any of the requirements of their respective practice act or violating chapter 499; 21 U.S.C. ss. 301-392, known as the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., known as the Comprehensive Drug Abuse Prevention and Control Act; or chapter 893.~~

(f) Having been convicted or found guilty, regardless of adjudication, in a court of this state or other jurisdiction, of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy. A plea of nolo contendere constitutes a conviction for purposes of this provision.

(g) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in s. 465.019(6) or s. 465.025.

(h) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of this chapter.

(i) Compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy. For purposes of this paragraph, it shall be legally presumed that the compounding, dispensing, or distributing of legend drugs in excessive or inappropriate quantities is not in the best interests of the patient and is not in the course of the professional practice of pharmacy.

(j) 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 include only those which the licensee is required to make or file in her or his capacity as a licensed pharmacist.

(k) Failing to make prescription fee or price information readily available by failing to provide such information upon request and upon the presentation of a prescription for pricing or dispensing. Nothing in this section shall be construed to prohibit the quotation of price information on a prescription drug to a potential consumer by telephone.

(l) Placing in the stock of any pharmacy any part of any prescription compounded or dispensed which is returned by a patient; however, in a hospital, nursing home, correctional facility, or extended care facility in

which unit-dose medication is dispensed to inpatients, each dose being individually sealed and the individual unit dose or unit-dose system labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any, the unused unit dose of medication may be returned to the pharmacy for redispensing. Each pharmacist shall maintain appropriate records for any unused or returned medicinal drugs.

(m) Being unable to practice pharmacy with reasonable skill and safety by reason of illness, use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. A pharmacist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of pharmacy with reasonable skill and safety to her or his customers.

(n) Violating a rule of the board or department or violating an order of the board or department previously entered in a disciplinary hearing.

(o) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the pharmacist knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the pharmacist also provides services.

(p) Failing to notify the Board of Pharmacy in writing within 20 days of the commencement or cessation of the practice of the profession of pharmacy in Florida when such commencement or cessation of the practice of the profession of pharmacy in Florida was a result of a pending or completed disciplinary action or investigation in another jurisdiction.

(q) Using or releasing a patient's records except as authorized by this chapter and chapter 456.

(r) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board 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) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the pharmacist on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the pharmacist to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another pharmacist.~~

Section 33. Subsections (1) and (2) of section 466.028, Florida Statutes, are amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery, fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice dentistry or dental hygiene revoked, suspended, or otherwise acted against, including the 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 relates to the practice of dentistry or dental hygiene. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges.

(d) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content contrary to s. 466.019 or rules of the board adopted pursuant thereto.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows, or has reason to believe, is clearly in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene contrary to this chapter or to a rule of the department or the board.

(h) Being employed by any corporation, organization, group, or person other than a dentist or a professional corporation or limited liability company composed of dentists to practice dentistry.

(i) Failing to perform any statutory or legal obligation placed upon a licensee.

(j) Making or filing a report which the licensee knows to be false, failing to file a report or record required by state or federal law, knowingly impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensee.

(k) Committing any act which would constitute sexual battery, as defined in chapter 794, upon a patient or intentionally touching the sexual organ of a patient.

(l) Making deceptive, untrue, or fraudulent representations in or related to the practice of dentistry.

(m) Failing to keep written dental records and medical history records justifying the course of treatment of the patient including, but not limited to, patient histories, examination results, test results, and X rays, if taken.

(n) Failing to make available to a patient or client, or to her or his legal representative or to the department if authorized in writing by the patient, copies of documents in the possession or under control of the licensee which relate to the patient or client.

(o) Performing professional services which have not been duly authorized by the patient or client, or her or his legal representative, except as provided in ss. 766.103 and 768.13.

(p) Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the professional practice of the dentist. For the purposes of this paragraph, it shall be legally presumed that prescribing, procuring, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the professional practice of the dentist, without regard to her or his intent.

(q) Prescribing, procuring, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893, by a dentist to herself or himself, except those prescribed, dispensed, or administered to the dentist by another practitioner authorized to prescribe them.

(r) Prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or a compound thereof, pursuant to chapter 893, to or for any person except for the clinical investigation of the effects of such drugs or compounds

when an investigative protocol therefor is submitted to, and reviewed and approved by, the board before such investigation is begun.

(s) Being unable to practice her or his profession 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 her or his designee that probable cause exists to believe that the licensee is unable to practice dentistry or dental hygiene 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 licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of her or his profession with reasonable skill and safety to patients.

(t) Fraud, deceit, or misconduct in the practice of dentistry or dental hygiene.

(u) Failure to provide and maintain reasonable sanitary facilities and conditions.

(v) Failure to provide adequate radiation safeguards.

(w) Performing any procedure or prescribing any therapy which, by the prevailing standards of dental practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(x) Being guilty of incompetence or negligence by failing to meet the minimum standards of performance in diagnosis and treatment when measured against generally prevailing peer performance, including, but not limited to, the undertaking of diagnosis and treatment for which the dentist is not qualified by training or experience or being guilty of dental malpractice. For purposes of this paragraph, it shall be legally presumed that a dentist is not guilty of incompetence or negligence by declining to treat an individual if, in the dentist's professional judgment, the dentist or a member of her or his clinical staff is not qualified by training and experience, or the dentist's treatment facility is not clinically satisfactory or properly equipped to treat the unique characteristics and health status of the dental patient, provided the dentist refers the patient to a qualified dentist or facility for appropriate treatment. As used in this paragraph, "dental malpractice" includes, but is not limited to, three or more claims within the previous 5-year period which resulted in indemnity being paid, or any single indemnity paid in excess of \$5,000 in a judgment or settlement, as a result of negligent conduct on the part of the dentist.

(y) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(z) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform them.

(aa) The violation or the repeated violation of this chapter, chapter 456, or any rule promulgated pursuant to chapter 456 or this chapter; the 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.

(bb) Conspiring with another licensee or with any person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(cc) Being adjudged mentally incompetent in this or any other state, the discipline for which shall last only so long as the adjudication.

(dd) Presigning blank prescription or laboratory work order forms.

(ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ff) Operating or causing to be operated a dental office in such a manner as to result in dental treatment that is below minimum acceptable standards of performance for the community. This includes, but is not limited to, the use of substandard materials or equipment, the imposition of time limitations within which dental procedures are to be performed, or the failure to maintain patient records as required by this chapter.

(gg) Administering anesthesia in a manner which violates rules of the board adopted pursuant to s. 466.017.

(hh) Failing to report to the department any licensee under chapter 458 or chapter 459 who the dentist knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the dentist also provides services.

(ii) Failing to report to the board, in writing, within 30 days if action has been taken against one's license to practice dentistry in another state, territory, or country.

(jj) Advertising specialty services in violation of this chapter.

(kk) Allowing any person other than another dentist or a professional corporation or limited liability company composed of dentists to direct, control, or interfere with a dentist's clinical judgment; however, this paragraph may not be construed to limit a patient's right of informed consent. To direct, control, or interfere with a dentist's clinical judgment may not be interpreted to mean dental services contractually excluded, the application of alternative benefits that may be appropriate given the dentist's prescribed course of treatment, or the application of contractual provisions and scope of coverage determinations in comparison with a dentist's prescribed treatment on behalf of a covered person by an insurer, health maintenance organization, or a prepaid limited health service organization.

(ll) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any applicant or licensee 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 of an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$3,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or demonstrate competency through a written or practical examination or to work under the supervision of another licensee.~~

~~(f) Restricting the authorized scope of practice.~~

Section 34. Section 466.037, Florida Statutes, is amended to read:

466.037 Suspension and revocation; administrative fine.—The department may suspend or revoke the certificate of any dental laboratory registered under s. 466.032, for failing to comply with the provisions of this chapter or rules adopted by the department under this chapter. The department may impose an administrative fine not to exceed \$500 for each count or separate offense.

Section 35. Subsections (1) and (2) of section 467.203, Florida Statutes, are amended to read:

467.203 Disciplinary actions; penalties.—

(1) The following acts constitute ~~shall be~~ grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~disciplinary action as set forth in this section:~~

(a) Procuring, attempting to procure, or renewing a license to practice midwifery by bribery, by fraudulent misrepresentation, or through an error of the department.

(b) Having a license to practice midwifery revoked, suspended, or otherwise acted against, including being denied licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of midwifery or to the ability to practice midwifery. A plea of nolo contendere shall be considered a conviction for purposes of this provision.

(d) Making or filing a false 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; or willfully impeding or obstructing such filing or inducing another to do so. Such reports or records shall include only those which are signed in the midwife's capacity as a licensed midwife.

(e) Advertising falsely, misleadingly, or deceptively.

(f) Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of midwifery as established by the department, in which case actual injury need not be established.

(g) Being unable to practice midwifery with reasonable skill and safety to patients by reason of illness; drunkenness; or use of drugs, narcotics, chemicals, or other materials or as a result of any mental or physical condition. A midwife affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the competent practice of midwifery with reasonable skill and safety.

(h) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

~~(i) Willfully or repeatedly Violating any provision of this chapter, any rule of the department, or any lawful order of the department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.~~

~~(j) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

(2) ~~The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). 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:~~

~~(a) Refusal to approve an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(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 36. Subsections (1) and (2) of section 468.1295, Florida Statutes, are amended to read:

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~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. 456.065:~~

(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, chapter 456, or any rule adopted pursuant thereto.

~~(m) Violating any provision of this part or chapter 456 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.

(n)(~~e~~) 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.

(o)(~~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.

(p)(~~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.

(q)(~~r~~) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(r)(~~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.

(s)(~~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.

(t)(~~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.

(u)(~~v~~) Failing to provide all information as described in ss. 468.1225(5)(b), 468.1245(1), and 468.1246.

(v)(~~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.

(w)(~~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.

(x)(~~y~~) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

(y)(~~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.

(z)(~~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.

(aa)(~~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.

(bb) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the acts set forth in subsection (1), it may issue an order imposing one or more of the following penalties:*

(a) ~~Refusal to certify, or to certify with restrictions, an application for licensure.~~

(b) ~~Suspension or permanent revocation of a license.~~

(c) ~~Issuance of a reprimand.~~

(d) ~~Restriction of the authorized scope of practice.~~

(e) ~~Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

(f) ~~Placement of the licensee or certificateholder on probation for a period of time and subject to such conditions as the board may specify. Those conditions may include, but are not limited to, requiring the licensee or certificateholder to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violation found.~~

(g) ~~Corrective action.~~

Section 37. Subsections (1) and (2) of section 468.1755, Florida Statutes, are amended to read:

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in subsection (2) may be taken:*

(a) Violation of any provision of s. 456.072(1) or s. 468.1745(1).

(b) Attempting to procure a license to practice nursing home administration by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(c) Having a license to practice nursing home administration 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, regardless of adjudication, of a crime in any jurisdiction which relates to the practice of nursing home administration or the ability to practice nursing home administration. Any plea of nolo contendere shall be considered a conviction for purposes of this part.

(e) Making or filing a report or record which the licensee knows to be false, intentionally 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 which are signed in the capacity of a licensed nursing home administrator.

(f) Authorizing the discharge or transfer of a resident for a reason other than those provided in ss. 400.022 and 400.0255.

(g) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(h) Fraud or deceit, negligence, incompetence, or misconduct in the practice of nursing home administration.

~~(i) A violation or repeated violations of this part, chapter 456, or any rules promulgated pursuant thereto.~~

~~(i)(j)~~ 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 board or department.

~~(j)(k)~~ Practicing with a revoked, suspended, inactive, or delinquent license.

~~(k)(l)~~ Repeatedly acting in a manner inconsistent with the health, safety, or welfare of the patients of the facility in which he or she is the administrator.

~~(l)(m)~~ Being unable to practice nursing home administration with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee is unable to serve as a nursing home administrator due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the licensee to submit to a mental or physical examination by a physician 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 serves as a nursing home administrator. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall have the opportunity, at reasonable intervals, to demonstrate that he or she can resume the competent practice of nursing home administration with reasonable skill and safety to patients.

~~(m)(n)~~ Willfully or repeatedly violating any of the provisions of the law, code, or rules of the licensing or supervising authority or agency of the state or political subdivision thereof having jurisdiction of the operation and licensing of nursing homes.

~~(n)(o)~~ Paying, giving, causing to be paid or given, or offering to pay or to give to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home usage.

~~(o)(p)~~ Willfully permitting unauthorized disclosure of information relating to a patient or his or her records.

~~(p)(q)~~ Discriminating with respect to patients, employees, or staff on account of race, religion, color, sex, or national origin.

~~(q) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any nursing home administrator 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 of an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring~~

~~the licensee to attend continuing education courses or to work under the supervision of another licensee.~~

~~(f) Restriction of the authorized scope of practice.~~

Section 38. Section 468.217, Florida Statutes, is amended to read:

468.217 Denial of or refusal to renew license; suspension and revocation of license and other disciplinary measures.—

(1) *The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) The board may deny or refuse to renew a license, suspend or revoke a license, issue a reprimand, impose a fine, or impose probationary conditions upon a licensee, when the licensee or applicant for license has been guilty of unprofessional conduct which has endangered, or is likely to endanger, the health, welfare, or safety of the public. Such unprofessional conduct includes:*

(a) Attempting to obtain, obtaining, or renewing a license to practice occupational therapy by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license to practice occupational therapy revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of occupational therapy or to the ability to practice occupational therapy. A plea of nolo contendere shall be considered a conviction for the purposes of this part.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own name.

(f) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or of the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice occupational therapy contrary to this part or to a rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed occupational therapist or occupational therapy assistant.

(i) Making or filing a report 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 do so. Such reports or records include only those which are signed in the capacity as a licensed occupational therapist or occupational therapy assistant.

(j) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an occupational therapist or occupational therapy assistant from receiving a fee for professional consultation services.

(k) Exercising influence within a patient-therapist relationship for purposes of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's occupational therapist or occupational therapy assistant.

(l) Making deceptive, untrue, or fraudulent representations in the practice of occupational therapy or employing a trick or scheme in the practice of occupational therapy if such scheme or trick fails to conform to the generally prevailing standards of treatment in the occupational therapy community.

(m) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A "solicitation" is any communication which directly or implicitly requests an immediate oral response from the recipient.

(n) Failing to keep written records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(o) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

(p) Performing professional services which have not been duly authorized by the patient or client, or his or her legal representative, except as provided in s. 768.13.

(q) Gross or repeated malpractice or the failure to practice occupational therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent similar occupational therapist or occupational therapy assistant as being acceptable under similar conditions and circumstances.

(r) Performing any procedure which, by the prevailing standards of occupational therapy practice in the community, would constitute experimentation on a human subject without first obtaining full, informed, and written consent.

(s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(t) Being unable to practice occupational therapy 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 probable cause, authority to compel an occupational therapist or occupational therapy assistant to submit to a mental or physical examination by physicians designated by the department. The failure of an occupational therapist or occupational therapy assistant to submit to such examination when so directed constitutes an admission of the allegations against him or her, upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his or her control. An occupational therapist or occupational therapy assistant affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of occupational therapy with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against an occupational therapist or occupational therapy assistant in any other proceeding.

(u) Delegating professional responsibilities to a person when the licensee who is delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(v) ~~Violating any provision of this part, a rule of the board or department, or 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.~~

(w) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(x) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or*

licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

(3)(2) The board may not reinstate the license of an occupational therapist or occupational therapy assistant, or cause a license to be issued to a person it has deemed unqualified, until such time as the board is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of safely engaging in the practice of occupational therapy.

Section 39. Subsections (1) and (2) of section 468.365, Florida Statutes, are amended to read:

468.365 Disciplinary grounds and actions.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in subsection (2) may be taken:*

(a) Procuring, attempting to procure, or renewing a license as provided by this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having licensure, certification, registration, or other authority, by whatever name known, to deliver respiratory care services revoked, suspended, or otherwise acted against, including the denial of licensure, certification, registration, or other authority to deliver respiratory care services 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 respiratory care services or to the ability to deliver such services.

(d) Willfully making or filing a false report or record, willfully failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those reports or records which require the signature of a respiratory care practitioner or respiratory therapist licensed pursuant to this part.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services, as set forth by the board in rules adopted pursuant to this part.

(g) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances, as set forth by law, for any purpose other than a legitimate purpose.

(h) Willfully failing to report any violation of this part.

(i) ~~Willfully or repeatedly~~ Violating a rule of the board or the department or a lawful order of the board or department previously entered in a disciplinary hearing.

(j) ~~Violation of any rule adopted pursuant to this part or chapter 456.~~

(j)(k) Engaging in the delivery of respiratory care services with a revoked, suspended, or inactive license.

(k)(4) Permitting, aiding, assisting, procuring, or advising any person who is not licensed pursuant to this part, contrary to this part or to any rule of the department or the board.

(l)(m) Failing to perform any statutory or legal obligation placed upon a respiratory care practitioner or respiratory therapist licensed pursuant to this part.

(m)(n) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.

(n)(o) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know,

that such person is not qualified by training, experience, or licensure to perform them.

(o)(p) Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill, and treatment which is recognized by a reasonably prudent respiratory care practitioner or respiratory therapist with similar professional training as being acceptable under similar conditions and circumstances.

(p)(q) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization, or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent the licensee from receiving a fee for professional consultation services.

(q)(r) Exercising influence within a respiratory care relationship for the purpose of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's respiratory care practitioner or respiratory therapist.

(r)(s) Making deceptive, untrue, or fraudulent representations in the delivery of respiratory care services or employing a trick or scheme in the delivery of respiratory care services if such a scheme or trick fails to conform to the generally prevailing standards of other licensees within the community.

(s)(t) Soliciting patients, either personally or through an agent, through the use of fraud, deception, or otherwise misleading statements or through the exercise of intimidation or undue influence.

(t)(u) Failing to keep written respiratory care records justifying the reason for the action taken by the licensee.

(u)(v) Exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the licensee or a third party, which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

(v)(w) Performing professional services which have not been duly ordered by a physician licensed pursuant to chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other health care provider, or the board, except as provided in ss. 743.064, 766.103, and 768.13.

(w)(x) Being unable to deliver respiratory care services with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon probable cause, have authority to compel a respiratory care practitioner or respiratory therapist to submit to a mental or physical examination by physicians designated by the department. The cost of examination shall be borne by the licensee being examined. The failure of a respiratory care practitioner or respiratory therapist to submit to such an examination when so directed constitutes an admission of the allegations against her or him, upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control. A respiratory care practitioner or respiratory therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent delivery of respiratory care services with reasonable skill and safety to her or his patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a respiratory care practitioner or respiratory therapist in any other proceeding.

(x) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or

licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). If the board 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 of an application for licensure.

(b) Revocation or suspension of licensure.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(d) Placement of the respiratory care practitioner or respiratory therapist on probation for such period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the respiratory care practitioner or respiratory therapist to submit to treatment, to attend continuing education courses, or to work under the supervision of another respiratory care practitioner or respiratory therapist.

(e) Issuance of a reprimand.

Section 40. Subsections (1) and (2) of section 468.518, Florida Statutes, are amended to read:

468.518 Grounds for disciplinary action.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in subsection (2) may be taken:

(a) Violating any provision of this part, any board or agency rule adopted pursuant thereto, or any lawful order of the board or agency previously entered in a disciplinary hearing held pursuant to this part, or failing to comply with a lawfully issued subpoena of the agency. The provisions of this paragraph also apply to any order or subpoena previously issued by the Department of Health during its period of regulatory control over this part.

(b) Being unable to engage in dietetics and nutrition practice or nutrition counseling 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.

1. A licensee whose license is suspended or revoked pursuant to this paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that he or she can resume the competent practice of dietetics and nutrition or nutrition counseling with reasonable skill and safety to patients.

2. Neither the record of the proceeding nor the orders entered by the board in any proceeding under this paragraph may be used against a licensee in any other proceeding.

(c) Attempting to procure or procuring a license to practice dietetics and nutrition or nutrition counseling by fraud or material misrepresentation of material fact.

(d) Having a license to practice dietetics and nutrition or nutrition counseling revoked, suspended, or otherwise acted against, including the denial of licensure by the licensing authority of another state, district, territory, or country.

(e) 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 dietetics and nutrition or nutrition counseling or the ability to practice dietetics and nutrition or nutrition counseling.

(f) Making or filing a report or record that the licensee knows to be false, willfully 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 those that are signed in the capacity of a licensed dietitian/nutritionist or licensed nutrition counselor.

(g) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(h) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct in the practice of dietetics and nutrition or nutrition counseling.

(i) Practicing with a revoked, suspended, inactive, or delinquent license.

(j) Treating or undertaking to treat human ailments by means other than by dietetics and nutrition practice or nutrition counseling.

(k) Failing to maintain acceptable standards of practice as set forth by the board and the council in rules adopted pursuant to this part.

(l) Engaging directly or indirectly in the dividing, transferring, assigning, rebating, or refunding of fees received for professional services, or profiting by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, with any person referring a patient or with any relative or business associate of the referring person. Nothing in this part prohibits the members of any regularly and properly organized business entity that is composed of licensees under this part and recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary.

(m) Advertising, by or on behalf of a licensee under this part, any method of assessment or treatment which is experimental or without generally accepted scientific validation.

(n) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any licensee 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 of an application for licensure;~~

~~(b) Revocation or suspension of a license;~~

~~(c) Imposition of an administrative fine not to exceed \$1,000 for each violation;~~

~~(d) Issuance of a reprimand or letter of guidance;~~

~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of a licensed dietitian/nutritionist or licensed nutrition counselor; or~~

~~(f) Restriction of the authorized scope of practice of the licensee.~~

Section 41. Section 468.719, Florida Statutes, is amended to read:

468.719 Disciplinary actions.—

(1) The following acts *constitute shall be* grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) 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. 456.072, or any rule adopted pursuant thereto.~~

~~(a)(b) Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training. Advertising shall not include clothing or other novelty items.~~

~~(b)(e) Committing incompetency or misconduct in the practice of athletic training.~~

~~(c)(d) Committing fraud or deceit in the practice of athletic training.~~

~~(d)(e) Committing negligence, gross negligence, or repeated negligence in the practice of athletic training.~~

~~(e)(f) While practicing athletic training, being unable to practice athletic training with reasonable skill and safety to athletes by reason of illness or use of alcohol or drugs or as a result of any mental or physical condition.~~

~~(f) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). 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. 456.072.~~

Section 42. Section 468.811, Florida Statutes, is amended to read:

468.811 Disciplinary proceedings.—

~~(1) The following acts constitute are grounds for denial of a license or disciplinary action, as specified in s. 456.072(2): disciplinary action against a licensee and the issuance of cease and desist orders or other related action by the department, pursuant to s. 456.072, 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 chapter 456, or any rules adopted thereunder.~~

~~(f)(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.~~

~~(g)(h) Practicing with a revoked, suspended, or inactive license.~~

~~(h)(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.~~

~~(i)(j) Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient.~~

~~(j) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s.~~

~~456.072(1). The board may enter an order imposing one or more of the penalties in s. 456.072(2) against any person who violates any provision of subsection (1).~~

Section 43. Subsections (1) and (2) of section 478.52, Florida Statutes, are amended to read:

478.52 Disciplinary proceedings.—

(1) The following acts ~~are~~ constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~which the disciplinary actions in subsection (2) may be taken:~~

(a) Obtaining or attempting to obtain a license by bribery, fraud, or knowing misrepresentation.

(b) Having a license or other authority to deliver electrolysis services revoked, suspended, or otherwise acted against, including denial of licensure, in another jurisdiction.

(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 electrology.

(d) Willfully making or filing a false report or record, willfully failing to file a report or record required for electrologists, or willfully impeding or obstructing the filing of a report or record required by this act or inducing another person to do so.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, including any departure from, or failure to conform to, acceptable standards related to the delivery of electrolysis services.

(g) Engaging or attempting to engage in the illegal possession, sale, or distribution of any illegal or controlled substance.

(h) Willfully failing to report any known violation of this chapter.

(i) Willfully or repeatedly violating a rule adopted under this chapter, or an order of the board or department previously entered in a disciplinary hearing.

(j) Engaging in the delivery of electrolysis services without an active license.

(k) Employing an unlicensed person to practice electrology.

(l) Failing to perform any statutory or legal obligation placed upon an electrologist.

(m) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.

(n) Delegating professional responsibilities to a person the licensee knows, or has reason to know, is unqualified by training, experience, or licensure to perform.

(o) Gross or repeated malpractice or the inability to practice electrology with reasonable skill and safety.

(p) Judicially determined mental incompetency.

(q) Practicing or attempting to practice electrology under a name other than her or his own.

(r) Being unable to practice electrology with reasonable skill and safety because of a mental or physical condition or illness, or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.

1. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and her or his failure to submit to such an examination constitutes an admission of the allegations against her or him, consequent upon which a default and a final order may be entered

without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control.

2. A licensee who is disciplined under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that she or he can resume the practice of electrology with reasonable skill and safety.

3. In any proceeding under this paragraph, the record of proceedings or the orders entered by the board may not be used against a licensee in any other proceeding.

(s) Disclosing the identity of or information about a patient without written permission, except for information which does not identify a patient and which is used for training purposes in an approved electrolysis training program.

(t) Practicing or attempting to practice any permanent hair removal except as described in s. 478.42(5).

(u) Operating any electrolysis facility unless it has been duly licensed as provided in this chapter.

(v) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) ~~The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:~~

~~(a) Deny the application for licensure.~~

~~(b) Revoke or suspend the license.~~

~~(c) Impose an administrative fine not to exceed \$5,000 for each count or separate offense.~~

~~(d) Place the licensee on probation for a specified time and subject the licensee to such conditions as the board determines necessary, including, but not limited to, requiring treatment, continuing education courses, reexamination, or working under the supervision of another licensee.~~

~~(e) Issue a reprimand to the licensee.~~

~~(f) Restriction of a licensee's practice.~~

Section 44. Subsections (1) and (2) of section 480.046, Florida Statutes, are amended to read:

480.046 Grounds for disciplinary action by the board.—

(1) The following acts ~~shall~~ constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~which disciplinary actions specified in subsection (2) may be taken against a massage therapist or massage establishment licensed under this act:~~

(a) Attempting to procure a license to practice massage by bribery or fraudulent misrepresentation.

(b) Having a license to practice massage revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of massage or to the ability to practice massage. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to the provisions of this chapter or to a rule of the department or the board.

(f) Making deceptive, untrue, or fraudulent representations in the practice of massage.

(g) Being unable to practice massage with reasonable skill and safety 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 probable cause, authority to compel a massage therapist to submit to a mental or physical examination by physicians designated by the department. Failure of a massage therapist to submit to such examination when so directed, unless the failure was due to circumstances beyond her or his control, shall constitute an admission of the allegations against her or him, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A massage therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of massage with reasonable skill and safety to clients.

(h) Gross or repeated malpractice or the failure to practice massage with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances.

(i) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(j) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform.

(k) ~~Violating any provision of this chapter, a rule of the board or department, or 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.~~

(l) Refusing to permit the department to inspect the business premises of the licensee during regular business hours.

(m) Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition.

(n) Practicing massage at a site, location, or place which is not duly licensed as a massage establishment, except that a massage therapist, as provided by rules adopted by the board, may provide massage services, excluding colonic irrigation, at the residence of a client, at the office of the client, at a sports event, at a convention, or at a trade show.

(o) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board 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) Refusal to license an applicant.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Issuance of a reprimand or censure.~~
- ~~(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

Section 45. Section 483.825, Florida Statutes, is amended to read:

483.825 Grounds for disciplinary action.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which disciplinary

~~actions specified in s. 483.827 may be taken against applicants, registrants, and licensees under this part:~~

~~(a)(1) Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.~~

~~(b)(2) Engaging in or attempting to engage in, or representing herself or himself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to her or his license.~~

~~(c)(3) Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting.~~

~~(d)(4) Performing a test and rendering a report thereon to a person not authorized by law to receive such services.~~

~~(e)(5) Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of clinical laboratory personnel or involves moral turpitude or fraudulent or dishonest dealing. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.~~

~~(f)(6) Having been adjudged mentally or physically incompetent.~~

~~(g)(7) Violating or Aiding and abetting in the violation of any provision of this part or the rules adopted hereunder.~~

~~(h)(8) Reporting a test result when no laboratory test was performed on a clinical specimen.~~

~~(i)(9) Knowingly advertising false services or credentials.~~

~~(j)(10) Having a license revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction. The licensing authority's acceptance of a relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the licensee, shall be construed as action against the licensee.~~

~~(k)(11) Failing to report to the board, in writing, within 30 days that an action under subsection (5), subsection (6), or subsection (10) has been taken against the licensee or one's license to practice as clinical laboratory personnel in another state, territory, country, or other jurisdiction.~~

~~(l)(12) Being unable to perform or report clinical laboratory examinations 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 subsection, the department shall have, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee is unable to practice because of the reasons stated in this subsection, 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 affected under this subsection shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.~~

~~(m)(13) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.~~

~~(n)(14) Violating a previous order of the board entered in a disciplinary proceeding.~~

(o)(15) Failing to report to the department a person or other licensee who the licensee knows is in violation of this chapter or the rules of the department or board adopted hereunder.

(p)(16) Making or filing a report 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 do so, including, but not limited to, impeding an agent of the state from obtaining a report or record for investigative purposes. Such reports or records shall include only those generated in the capacity as a licensed clinical laboratory personnel.

(q)(17) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly for patients referred to providers of health care goods and services including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this subsection shall not be construed to prevent a clinical laboratory professional from receiving a fee for professional consultation services.

(r)(18) Exercising influence on a patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or other third party, which shall include, but not be limited to, the promoting, selling, or withholding of services, goods, appliances, referrals, or drugs.

(s)(19) Practicing or offering to practice beyond the scope permitted by law or rule, or accepting or performing professional services or responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(t)(20) Misrepresenting or concealing a material fact at any time during any phase of the licensing, investigative, or disciplinary process, procedure, or proceeding.

(u)(21) Improperly interfering with an investigation or any disciplinary proceeding.

(v)(22) Engaging in or attempting to engage in sexual misconduct, causing undue embarrassment or using disparaging language or language of a sexual nature towards a patient, exploiting superior/subordinate, professional/patient, instructor/student relationships for personal gain, sexual gratification, or advantage.

(w) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).*

(3) *In determining the amount of the fine to be levied for a violation, as provided in subsection (1), the following factors shall be considered:*

(a) *The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of this part were violated.*

(b) *Actions taken by the licensee to correct the violation or to remedy complaints.*

(c) *Any previous violation by the licensee.*

(d) *The financial benefit to the licensee of committing or continuing the violation.*

Section 46. *Section 483.827, Florida Statutes, is repealed.*

Section 47. Subsection (6) of section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(a) The department shall adopt rules to administer this section which specify license application and renewal fees, continuing education requirements, and standards for practicing medical physics. The council shall recommend to the department continuing education requirements that shall be a condition of license renewal. The department shall require a minimum of 24 hours per biennium of continuing education offered by an organization recommended by the council and approved by the department. The department, upon recommendation of the council, may adopt rules to specify continuing education requirements for persons who hold a license in more than one specialty.

(b) In order to apply for a medical physicist license in one or more specialties, a person must file an individual application for each specialty with the department. The application must be on a form prescribed by the department and must be accompanied by a nonrefundable application fee for each specialty.

(c) The department may issue a license to an eligible applicant if the applicant meets all license requirements. At any time before the department issues a license, the applicant may request in writing that the application be withdrawn. To reapply, the applicant must submit a new application and an additional nonrefundable application fee and must meet all current licensure requirements.

(d) The department shall review each completed application for a license which the department receives.

(e) On receipt of an application and fee as specified in this section, the department may issue a license to practice medical physics in this state on or after October 1, 1997, to a person who is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the department.

(f) A licensee shall:

1. Display the license in a place accessible to the public; and
2. Report immediately any change in the licensee's address or name to the department.

(g) ~~The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in paragraph (h) may be taken:~~

1. Obtaining or attempting to obtain a license by bribery, fraud, knowing misrepresentation, or concealment of material fact or through an error of the department.

2. Having a license denied, revoked, suspended, or otherwise acted against in another jurisdiction.

3. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of medical physics.

4. Willfully failing to file a report or record required for medical physics or willfully impeding or obstructing the filing of a report or record required by this section or inducing another person to do so.

5. Making misleading, deceptive, or fraudulent representations in or related to the practice of medical physics.

6. Willfully failing to report any known violation of this section or any rule adopted thereunder.

~~7. Willfully or repeatedly violating a rule adopted under this section or an order of the department.~~

7.8. Failing to perform any statutory or legal obligation placed upon a licensee.

~~8.9.~~ Aiding, assisting, procuring, employing, or advising any unlicensed person to practice medical physics contrary to this section or any rule adopted thereunder.

~~9.10.~~ Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

~~10.11.~~ Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

~~11.12.~~ Gross or repeated malpractice or the inability to practice medical physics with reasonable skill and safety.

~~12.13.~~ Judicially determined mental incompetency.

~~13.14.~~ Being unable to practice medical physics with reasonable skill and safety because of a mental or physical condition or illness or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.

a. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and the licensee's failure to submit to such an examination constitutes an admission of the allegations against the licensee, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the licensee's control.

b. A licensee who is disciplined under this subparagraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that the licensee can resume the practice of medical physics with reasonable skill and safety.

c. With respect to any proceeding under this subparagraph, the record of proceedings or the orders entered by the department may not be used against a licensee in any other proceeding.

14. *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

~~(h) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the department finds any person guilty of any of the grounds set forth in paragraph (g), including conduct that would constitute a substantial violation of paragraph (g) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:~~

~~1. Deny the application for licensure.~~

~~2. Revoke or suspend the license.~~

~~3. Impose an administrative fine for each count or separate offense.~~

~~4. Place the licensee on probation for a specified time and subject the licensee to such conditions as the department determines necessary, including requiring treatment, continuing education courses, or working under the monitoring or supervision of another licensee.~~

~~5. Restrict a licensee's practice.~~

~~6. Issue a reprimand to the licensee.~~

(i) The department may not issue or reinstate a license to a person it has deemed unqualified until it is satisfied that such person has

complied with the terms and conditions of the final order and that the licensee can safely practice medical physics.

(j) Upon receipt of a complete application and the fee set forth by rule, the department may issue a physicist-in-training certificate to a person qualified to practice medical physics under direct supervision. The department may establish by rule requirements for initial certification and renewal of a physicist-in-training certificate.

Section 48. Subsections (1) and (2) of section 484.014, Florida Statutes, are amended to read:

484.014 Disciplinary actions.—

~~(1) The following acts constitute relating to the practice of opticianry shall be grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) 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. 456.065 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 chapter 456 or any rules promulgated pursuant thereto.~~

~~(g)(h)~~ Practicing with a revoked, suspended, inactive, or delinquent license.

~~(h)(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.

~~(i)(j)~~ Violation of any provision of s. 484.012.

~~(j)(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.

~~(k)(l)~~ Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

~~(l)(m)~~ Failing to keep written prescription files.

~~(m)(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.

~~(n)(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.

~~(o)(p)~~ Gross or repeated malpractice.

~~(p)(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.

~~(q)(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.

~~(r)(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.

~~(s)(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.

~~(t)~~ *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

~~(2)~~ *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board 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)~~ *Refusal to certify to the department an application for licensure.*
- ~~(b)~~ *Revocation or suspension of a license.*
- ~~(c)~~ *Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.*
- ~~(d)~~ *Issuance of a reprimand.*
- ~~(e)~~ *Placement of the optician on probation for a period of time and subject to such conditions as the board may specify, including requiring the optician to submit to treatment or to work under the supervision of another optician.*

Section 49. Subsections (1) and (2) of section 484.056, Florida Statutes, are amended to read:

484.056 Disciplinary proceedings.—

~~(1)~~ *The following acts constitute relating to the practice of dispensing hearing aids shall be grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) 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. 456.065 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. 456.072(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 chapter 456, or any rules promulgated pursuant thereto.*

~~(h)(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.

~~(i)(j)~~ Practicing with a revoked, suspended, inactive, or delinquent license.

~~(j)(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.

~~(k)(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.

~~(l)(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.

~~(m)(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.

~~(n)(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.

~~(o)(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.

~~(p)(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.

~~(q)(r)~~ Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

~~(r)(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.

~~(s)(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.

~~(t)(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.

~~(u)(v)~~ Failing to provide all information as described in s. 484.051(1).

~~(v)(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.

(w) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2)(a) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). ~~Except as provided in paragraph (b), when the board finds any hearing aid specialist to be guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~*

- ~~1. Denial of an application for licensure.~~
- ~~2. Revocation or suspension of a license.~~
- ~~3. Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- ~~4. Issuance of a reprimand.~~
- ~~5. Placing the hearing aid specialist on probation for a period of time and subject to such conditions as the board may specify, including requiring the hearing aid specialist to attend continuing education courses or to work under the supervision of another hearing aid specialist.~~
- ~~6. Restricting the authorized scope of practice.~~

(b) The board shall revoke the license of any hearing aid specialist found guilty of canvassing as described in this section.

Section 50. Subsections (1) and (2) of section 486.125, Florida Statutes, are amended to read:

486.125 Refusal, revocation, or suspension of license; administrative fines and other disciplinary measures.—

(1) The following acts ~~shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Being unable to practice physical therapy 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.

1. In enforcing this paragraph, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice physical therapy due to the reasons stated in this paragraph, the department shall have the authority to compel a physical therapist or physical therapist assistant to submit to a mental or physical examination by a physician 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 serves as a physical therapy practitioner. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011.

2. A physical therapist or physical therapist assistant whose license is suspended or revoked pursuant to this subsection shall, at reasonable intervals, be given an opportunity to demonstrate that she or he can resume the competent practice of physical therapy with reasonable skill and safety to patients.

3. Neither the record of proceeding nor the orders entered by the board in any proceeding under this subsection may be used against a physical therapist or physical therapist assistant in any other proceeding.

(b) Having committed fraud in the practice of physical therapy or deceit in obtaining a license as a physical therapist or as a physical therapist assistant.

(c) Being convicted or found guilty regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of physical therapy or to the ability to practice physical therapy. The entry of any plea of nolo contendere shall be considered a conviction for purpose of this chapter.

(d) Having treated or undertaken to treat human ailments by means other than by physical therapy, as defined in this chapter.

(e) Failing to maintain acceptable standards of physical therapy practice as set forth by the board in rules adopted pursuant to this chapter.

(f) Engaging directly or indirectly in the dividing, transferring, assigning, rebating, or refunding of fees received for professional services, or having been found to profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, with any person referring a patient or with any relative or business associate of the referring person. Nothing in this chapter shall be construed to prohibit the members of any regularly and properly organized business entity which is comprised of physical therapists and which is recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary.

(g) Having a license revoked or suspended; having had other disciplinary action taken against her or him; or having had her or his application for a license refused, revoked, or suspended by the licensing authority of another state, territory, or country.

(h) ~~Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing.~~

(i) Making or filing a report or record which the licensee knows to be false. Such reports or records shall include only those which are signed in the capacity of a physical therapist.

(j) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform, including, but not limited to, specific spinal manipulation.

(k) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). ~~When the board 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) Refusal to certify to the department an application for licensure.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Restriction of practice.~~
- ~~(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- ~~(e) Issuance of a reprimand.~~
- ~~(f) Placement of the physical therapist or physical therapist assistant on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physical therapist or physical therapist assistant to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another physical therapist.~~
- ~~(g) Recovery of actual costs of investigation and prosecution.~~

Section 51. Section 490.009, Florida Statutes, is amended to read:

490.009 Discipline.—

~~(1) When the department or, in the case of psychologists, the board finds that an applicant, provisional licensee, or licensee whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure, either temporarily or permanently.~~

~~(b) Revocation of an application for licensure, either temporarily or permanently.~~

~~(c) Suspension for a period of up to 5 years or revocation of a license, after hearing.~~

~~(d) Immediate suspension of a license pursuant to s. 120.60(6).~~

~~(e) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.~~

~~(f) Issuance of a public reprimand.~~

~~(g) Placement of an applicant or licensee on probation for a period of time and subject to conditions specified by the department or, in the case of psychologists, by the board, including, but not limited to, requiring the applicant or licensee to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee.~~

~~(h) Restriction of practice.~~

~~(1)(2) The following acts constitute of a licensee, provisional licensee, or applicant are grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions listed in subsection (1) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery or fraudulent misrepresentation or through an error of the board or department.

(b) Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of his or her profession or the ability to practice his or her profession. A plea of nolo contendere creates a rebuttable presumption of guilt of the underlying criminal charges. However, the board shall allow the person who is the subject of the disciplinary proceeding to present any evidence relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person who the applicant or licensee knows, or has reason to believe, is in violation of this chapter or of a rule of the department or, in the case of psychologists, of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed person to hold himself or herself out as licensed under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing

of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in s. 490.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of test results, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background.

(p) Being unable to practice the profession for which he or she is licensed under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the board that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by psychologists or physicians designated by the department or board. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The licensee shall not be named or identified by initials in the petition or in any other public court records or documents, and the enforcement proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall be afforded an opportunity at reasonable intervals to demonstrate that he or she can resume the competent practice for which he or she is licensed with reasonable skill and safety to patients.

~~(q) Violating provisions of this chapter, or of chapter 456, or any rules adopted pursuant thereto.~~

~~(q)(+)~~ Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

~~(r)(+)~~ Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

~~(s)(+)~~ Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

~~(t)(+)~~ Violating a rule relating to the regulation of the profession or a lawful order of the department previously entered in a disciplinary hearing.

(u)(v) Failing to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in s. 490.0147.

(v)(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

(w) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The department, or in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).*

Section 52. Section 491.009, Florida Statutes, is amended to read:

491.009 Discipline.—

~~(1) When the department or the board finds that an applicant, licensee, provisional licensee, registered intern, or certificateholder whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure, registration, or certification, either temporarily or permanently.~~

~~(b) Revocation of an application for licensure, registration, or certification, either temporarily or permanently.~~

~~(c) Suspension for a period of up to 5 years or revocation of a license, registration, or certificate, after hearing.~~

~~(d) Immediate suspension of a license, registration, or certificate pursuant to s. 120.60(6).~~

~~(e) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(f) Issuance of a public reprimand.~~

~~(g) Placement of an applicant, licensee, registered intern, or certificateholder on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the applicant, licensee, registered intern, or certificateholder to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee or certificateholder.~~

~~(h) Restriction of practice.~~

~~(1)(2) The following acts constitute of a licensee, provisional licensee, registered intern, certificateholder, or applicant are grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions listed in subsection (1) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license, registration, or certificate under this chapter by bribery or fraudulent misrepresentation or through an error of the board or the department.

(b) Having a license, registration, or certificate to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty of, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of his or her profession or the ability to practice his or her profession. However, in the case of a plea of nolo contendere, the board shall allow the person who is the subject of the disciplinary proceeding to present evidence in mitigation relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person who the applicant, licensee, registered intern, or certificateholder knows, or has reason to believe, is in violation of this chapter or of a rule of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed, nonregistered, or noncertified person to hold himself or herself out as licensed, registered, or certified under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed, registered, or certified under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed, registered, or certified under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 491.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed, registered, or certified under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee, registered intern, or certificateholder which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department or the board concerning any investigation by the department or the board, or failing to make available any relevant records with respect to any investigation about the licensee's, registered intern's, or certificateholder's conduct or background.

(p) Being unable to practice the profession for which he or she is licensed, registered, 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 excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the board that probable cause exists to believe that the licensee, registered intern, 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, registered intern, or certificateholder to submit to a mental or physical examination by psychologists, physicians, or other licensees under this chapter, designated by the department or board. If the licensee, registered intern, or certificateholder refuses to comply with such order, the department's order directing the examination may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee, registered intern, or certificateholder resides or does business. The licensee, registered intern, or certificateholder against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure

provided in s. 51.011. A licensee, registered intern, 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, registered, or certified with reasonable skill and safety to patients.

~~(q) Violating provisions of this chapter, or of chapter 456, or any rules adopted pursuant thereto.~~

~~(q)(*)~~ Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

~~(r)(*)~~ Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee, registered intern, or certificateholder is not qualified by training or experience.

~~(s)(*)~~ Delegating professional responsibilities to a person whom the licensee, registered intern, or certificateholder knows or has reason to know is not qualified by training or experience to perform such responsibilities.

~~(t)(*)~~ Violating a rule relating to the regulation of the profession or a lawful order of the department or the board previously entered in a disciplinary hearing.

~~(u)(*)~~ Failure of the licensee, registered intern, or certificateholder to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in s. 491.0147.

~~(v)(*)~~ Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

~~(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The department, or in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).~~

Section 53. Subsection (3) of section 456.065, Florida Statutes, is amended to read:

456.065 Unlicensed practice of a health care profession; intent; cease and desist notice; penalties; enforcement; citations; fees; allocation and disposition of moneys collected.—

(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. 456.025. 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.

Section 54. Subsection (1) of section 456.074, Florida Statutes, is amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(1) The department shall issue an emergency order suspending the license of any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, or chapter 484 who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409, *chapter 817*, or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

Section 55. Effective July 1, 2003, section 464.005, Florida Statutes, is amended to read:

464.005 Board headquarters.—The board shall maintain its official headquarters in *Tallahassee* ~~the city in which it has been domiciled for the past 5 years.~~

Section 56. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

(Renumber subsequent sections)

And the title is amended as follows:

On page 129, line 17, of the amendment

insert: providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Department of Health to reimburse the Agency for Health Care Administration for certain costs; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; requiring the department to set an examination fee and providing requirements therefor; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing education tracking system; repealing s. 458.31151, F.S.; relating to development of the examination for foreign-trained physicians and the fees therefor; amending s. 457.107, F.S.; for clarification of acupuncture fees; amending s. 483.807, F.S.; relating to clinical laboratory personnel fees; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination item banks with certain entities; clarifying circumstances under which candidates may bring a challenge; providing for electronic administration of certain laws and rules examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.073, F.S.; authorizing a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for the posting of newsletters on the department's website; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising and providing disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 458.345, 458.347, 459.0085, 459.015, 459.022, 460.413, 461.013, 462.14, 463.016, 464.018,

465.008, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, and 491.009, F.S.; revising and conforming provisions relating to disciplinary grounds and penalties; repealing s. 483.827, F.S.; relating to penalties for clinical laboratory personnel; amending s. 456.065, F.S.; requiring the unlicensed activity fee to be in addition to all other fees collected from each licensee; amending s. 456.074, F.S.; providing for immediate suspension of license for convictions relating to fraudulent practices; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing;

Rep. Farkas 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 by the required two-thirds vote.

The question recurred on the passage of SB 782. The vote was:

Session Vote Sequence: 489

Yeas—119

The Chair	Crow	Holloway	Negron
Alexander	Cusack	Jennings	Paul
Allen	Davis	Johnson	Peterman
Andrews	Detert	Jordan	Pickens
Argenziano	Diaz de la Portilla	Joyner	Prieguez
Arza	Diaz-Balart	Justice	Rich
Attkisson	Dockery	Kallinger	Richardson
Atwater	Farkas	Kendrick	Ritter
Ausley	Fasano	Kilmer	Romeo
Baker	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner
Clarke	Hogan	Needelman	

Nays—None

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

SB 676—A bill to be entitled An act relating to sentencing; amending s. 775.082, F.S.; redefining the term “prison releasee reoffender” to include a defendant who commits certain felonies within a specified period after being released from a correctional institution outside the state or while escaped from a correctional institution outside the state; providing requirements for sentencing a defendant if the state attorney proves by a preponderance of the evidence that the defendant is a prison releasee reoffender; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 490

Yeas—116

The Chair	Davis	Holloway	Needelman
Alexander	Detert	Jennings	Negron
Andrews	Diaz de la Portilla	Johnson	Peterman
Argenziano	Diaz-Balart	Jordan	Pickens
Arza	Dockery	Joyner	Prieguez
Attkisson	Farkas	Justice	Rich
Atwater	Fasano	Kallinger	Richardson
Ausley	Feeney	Kendrick	Ritter
Baker	Fields	Kilmer	Romeo
Barreiro	Fiorentino	Kosmas	Ross
Baxley	Flanagan	Kottkamp	Rubio
Bean	Frankel	Kravitz	Russell
Bendross-Mindingall	Gannon	Kyle	Ryan
Bennett	Garcia	Lacasa	Seiler
Bense	Gardiner	Lee	Simmons
Benson	Gelber	Lerner	Siplin
Berfield	Gibson	Littlefield	Slosberg
Betancourt	Goodlette	Lynn	Smith
Bilirakis	Gottlieb	Machek	Sobel
Bowen	Green	Mack	Sorensen
Brown	Greenstein	Mahon	Spratt
Brummer	Haridopolos	Mayfield	Stansel
Brutus	Harper	Maygarden	Trovillion
Bucher	Harrell	McGriff	Wallace
Bullard	Harrington	Meadows	Waters
Byrd	Hart	Mealor	Weissman
Cantens	Henriquez	Melvin	Wiles
Crow	Heyman	Miller	Wilson
Cusack	Hogan	Murman	Wishner

Nays—None

Votes after roll call:

Yeas—Clarke

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

CS for SB 800—A bill to be entitled An act relating to the disposition of traffic fines; amending s. 318.21, F.S.; revising requirements for the use of funds collected from moving traffic violations; requiring that such funds be used to fund automation for law enforcement agencies in certain counties in which a municipality has been declared to be in a state of financial emergency; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 491

Yeas—116

The Chair	Bilirakis	Fasano	Hogan
Alexander	Bowen	Fields	Holloway
Allen	Brown	Fiorentino	Jennings
Andrews	Brummer	Frankel	Johnson
Argenziano	Brutus	Gannon	Jordan
Arza	Bucher	Garcia	Joyner
Attkisson	Bullard	Gardiner	Justice
Atwater	Byrd	Gibson	Kallinger
Ausley	Cantens	Goodlette	Kendrick
Baker	Carassas	Gottlieb	Kilmer
Barreiro	Clarke	Green	Kosmas
Baxley	Crow	Greenstein	Kottkamp
Bean	Cusack	Haridopolos	Kravitz
Bendross-Mindingall	Davis	Harper	Kyle
Bennett	Detert	Harrell	Lee
Bense	Diaz de la Portilla	Harrington	Lerner
Benson	Diaz-Balart	Hart	Littlefield
Berfield	Dockery	Henriquez	Lynn
Betancourt	Farkas	Heyman	Machek

Mack	Needelman	Ross	Sorensen
Mahon	Negron	Rubio	Spratt
Mayfield	Paul	Russell	Stansel
Maygarden	Peterman	Ryan	Trovillion
McGriff	Pickens	Seiler	Wallace
Meadows	Prieguez	Simmons	Waters
Mealor	Rich	Siplin	Weissman
Melvin	Richardson	Slosberg	Wiles
Miller	Ritter	Smith	Wilson
Murman	Romeo	Sobel	Wishner

Nays—None

Votes after roll call:

Yeas—Flanagan

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

HB 1099—A bill to be entitled An act relating to the Florida Airport Authority Act; creating ss. 332.201, 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210, and 332.211, F.S.; creating the Florida Airport Authority Act; providing definitions; providing that certain counties shall form an airport authority; providing that certain former military facilities redeveloped and operated as an airport shall be redeveloped and operated by an authority under the act, and providing for membership of the governing body of such authorities; providing for appointment of members of the governing body of an authority; providing for officers, employees, expenses, removal from office, and application of financial disclosure provisions; providing purposes and powers of an authority; providing restrictions on authority powers; providing for issuance of bonds; providing that the county may be appointed as an authority's agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing a covenant of the state with respect to bond issuance and agreements with federal agencies; providing an exemption from taxation; providing for applicability; requiring members of the authority to file financial disclosure; providing an effective date.

—was read the third time by title.

Representative(s) Lacasa, Cantens, Barreiro, Heyman, and Gelber offered the following:

(Amendment Bar Code: 510761)

Amendment 3—On page 3, lines 20-31 and on page 4, lines 1-3, remove from the bill: all of said lines

and insert in lieu thereof:

(2) *The governing body of the authority shall consist of seven voting members who shall be appointed in the following manner:*

(a) *Two members shall be appointed by the County Ethics Commission.*

(b) *One member shall be appointed by the County Mayor.*

(c) *Four members shall be appointed by the Board of County Commissioners.*

Rep. Lacasa moved the adoption of the amendment. Subsequently, **Amendment 3** was withdrawn.

The question recurred on the passage of HB 1099. The vote was:

Session Vote Sequence: 492

Yeas—77

The Chair	Atwater	Bense	Brown
Alexander	Baker	Benson	Brummer
Allen	Barreiro	Berfield	Brutus
Andrews	Baxley	Betancourt	Bullard
Arza	Bean	Bilirakis	Byrd
Attkisson	Bennett	Bowen	Cantens

Carassas	Greenstein	Kyle	Russell
Clarke	Haridopolos	Littlefield	Seiler
Crow	Harrell	Maygarden	Simmons
Davis	Harrington	Meadows	Siplin
Diaz de la Portilla	Hart	Mealor	Sorensen
Dockery	Hogan	Melvin	Spratt
Fasano	Holloway	Miller	Stansel
Fiorentino	Jennings	Negron	Wallace
Flanagan	Jordan	Paul	Waters
Garcia	Kallinger	Pickens	Weissman
Gardiner	Kendrick	Prieguez	Wishner
Gibson	Kilmer	Richardson	
Goodlette	Kottkamp	Ross	
Green	Kravitz	Rubio	

Nays—34

Argenziano	Frankel	Lerner	Romeo
Ausley	Gannon	Machek	Ryan
Bendross-Mindingall	Gelber	Mahon	Slosberg
Bucher	Henriquez	Mayfield	Sobel
Cusack	Heyman	McGriff	Trovillion
Detert	Joyner	Needelman	Wiles
Diaz-Balart	Justice	Peterman	Wilson
Farkas	Kosmas	Rich	
Fields	Lacasa	Ritter	

Votes after roll call:

Yeas—Harper, Lynn, Mack, Murman

Nays to Yeas—Fields, Joyner

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

THE SPEAKER IN THE CHAIR

CS for SB 94—A bill to be entitled An act relating to consumer collection practices; amending s. 559.72, F.S.; prohibiting certain communications with a debtor who is represented by an attorney; prohibiting the causing of charges to be made to a debtor; amending s. 559.77, F.S.; revising civil remedies for engaging in prohibited collection practices; providing for damages in class actions; prescribing circumstances under which liability does not attach; providing a limitation on bringing an action for a remedy for unlawful collection practices; providing for application of federal precedent regarding corresponding federal laws; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 493

Yeas—117

The Chair	Bilirakis	Fields	Hogan
Alexander	Bowen	Fiorentino	Holloway
Allen	Brown	Flanagan	Jennings
Andrews	Brummer	Frankel	Johnson
Argenziano	Brutus	Gannon	Jordan
Arza	Bucher	Garcia	Joyner
Attkisson	Bullard	Gardiner	Justice
Atwater	Byrd	Gelber	Kallinger
Ausley	Cantens	Gibson	Kendrick
Baker	Carassas	Goodlette	Kilmer
Ball	Clarke	Gottlieb	Kosmas
Barreiro	Crow	Green	Kottkamp
Baxley	Cusack	Greenstein	Kravitz
Bean	Davis	Haridopolos	Kyle
Bendross-Mindingall	Detert	Harper	Lacasa
Bennett	Diaz de la Portilla	Harrell	Lerner
Bense	Diaz-Balart	Harrington	Lynn
Benson	Dockery	Hart	Machek
Berfield	Farkas	Henriquez	Mahon
Betancourt	Fasano	Heyman	Mayfield

Maygarden	Peterman	Ryan	Trovillion
McGriff	Pickens	Seiler	Wallace
Meadows	Prieguez	Simmons	Waters
Mealor	Rich	Siplin	Weissman
Melvin	Richardson	Slosberg	Wiles
Miller	Ritter	Smith	Wilson
Murman	Romeo	Sobel	Wishner
Needelman	Ross	Sorensen	
Negron	Rubio	Spratt	
Paul	Russell	Stansel	

Nays—None

Votes after roll call:

Yeas—Littlefield, Mack

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

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 856 and CS for SB 1256, as amended; passed SB 2342; passed CS for SB 238, as further amended; passed CS for SB 84, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Commerce and Economic Opportunities and Senators Wasserman Schultz, Crist and Geller—

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

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Health, Aging and Long-Term Care and Senator Campbell—

CS for SB 1256—A bill to be entitled An act relating to nursing education; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the Legislature an implementation plan detailing the impact and cost of any such proposed rule change; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By Senator Dawson—

SB 2342—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale; providing for annexation of the unincorporated area known as Melrose Park; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing legislative intent; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Criminal Justice and Senator Mitchell and others—

CS for SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting imposition of the sentence of death if the court determines that the defendant has mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant has mental retardation; providing that the sentence of death may not be imposed if the court finds by clear and convincing evidence that the defendant has mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury's recommendation for life imprisonment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Criminal Justice and Senator Meek—

CS for SB 84—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 9, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 9—A bill to be entitled An act relating to pollution control; amending s. 165.061, F.S.; providing for the continuation of existing solid waste contracts; requiring written evidence of the duration of the contract within a specified timeframe; amending s. 403.061, F.S.; providing rule-making authority; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 1, line 27, through page 2, line 30, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 2-6, delete those lines

and insert: An act relating to pollution control;

On motion by Rep. Ball, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/HB 9. The vote was:

Session Vote Sequence: 494

Yeas—120

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Pickens
Arza	Diaz de la Portilla	Joyner	Prieguez
Attkisson	Diaz-Balart	Justice	Rich
Atwater	Dockery	Kallinger	Richardson
Ausley	Farkas	Kendrick	Ritter
Baker	Fasano	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner

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 Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 277, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

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

Senate Amendment 1 (with title amendment)—On page 4, between lines 19 and 20,

insert:

Section 5. *The sum of \$251,000 in nonrecurring Temporary Assistance for Needy Families (TANF) funds is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services to develop an electronic data transfer system.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon,

insert: providing an appropriation;

On motion by Rep. Atwater, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/HB 277. The vote was:

Session Vote Sequence: 495

Yeas—119

The Chair	Clarke	Hogan	Negron
Alexander	Crow	Holloway	Paul
Allen	Cusack	Jennings	Peterman
Andrews	Davis	Johnson	Pickens
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lacasa	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	

Nays—None

Votes after roll call:

Yeas—Lee

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 475, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 475—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel;

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

Senate Amendment 1 (with title amendment)—On page 35, line 1, through page 39, line 4, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, lines 8-20, delete those lines

and insert: general anesthesia services; providing

On motion by Rep. Rubio, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/HB 475. The vote was:

Session Vote Sequence: 496

Yeas—118

The Chair	Ball	Bilirakis	Clarke
Alexander	Barreiro	Bowen	Crow
Allen	Baxley	Brown	Cusack
Andrews	Bean	Brummer	Davis
Argenziano	Bendross-Mindingall	Brutus	Detert
Arza	Bennett	Bucher	Diaz de la Portilla
Attkisson	Bense	Bullard	Diaz-Balart
Atwater	Benson	Byrd	Dockery
Ausley	Berfield	Cantens	Farkas
Baker	Betancourt	Carassas	Fasano

Fields	Hogan	Mack	Russell
Fiorentino	Holloway	Mahon	Ryan
Flanagan	Jennings	Mayfield	Seiler
Frankel	Johnson	McGriff	Simmons
Gannon	Jordan	Meadows	Siplin
Garcia	Joyner	Mealor	Slosberg
Gardiner	Justice	Miller	Smith
Gelber	Kallinger	Murman	Sobel
Gibson	Kendrick	Needelman	Sorensen
Goodlette	Kilmer	Negron	Spratt
Gottlieb	Kosmas	Paul	Stansel
Green	Kottkamp	Peterman	Trovillion
Greenstein	Kravitz	Pickens	Wallace
Haridopolos	Kyle	Prieguez	Waters
Harper	Lacasa	Rich	Weissman
Harrell	Lee	Richardson	Wiles
Harrington	Lerner	Ritter	Wilson
Hart	Littlefield	Romeo	Wishner
Henriquez	Lynn	Ross	
Heyman	Machek	Rubio	

Nays—None

Votes after roll call:

Yeas—Maygarden, Melvin

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1157, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

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

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

and insert:

Section 1. Subsections (6) and (7) of section 15.16, Florida Statutes, are redesignated as subsections (7) and (8), respectively, and a new subsection (6) is added to that section to read:

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.—

(6) *Notwithstanding s. 865.09(3)(d), the Department of State may waive the requirement that a person advertise the intention to register a fictitious name if the department indexes the fictitious name registration in a central database available to the public on the Internet.*

Section 2. Paragraph (f) of subsection (2) of section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(2) The secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The secretary shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The secretary shall promulgate rules which shall:

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. ~~Florida law enforcement agencies shall inform the Department of State when such arrest or incarceration occurs. The secretary in turn shall notify the appropriate foreign governmental official. The secretary shall annually report on the actions taken to inform law enforcement agencies, and on the cooperation from such agencies, to the President of the Senate and the Speaker of the House of Representatives.~~

Section 3. Effective October 1, 2001, paragraph (c) of subsection (1) and subsection (5) of section 679.401, Florida Statutes, are amended to read:

679.401 Place of filing; erroneous filing; removal of collateral.—

(1) The proper place to file in order to perfect a security interest is as follows:

(c) In all other cases, by filing *under the Florida Secured Transaction Registry in the office of the Department of State.*

(5) Notwithstanding the preceding subsections, and subject to s. 679.302(3), the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is *under the Florida Secured Transaction Registry the office of the Department of State.*

Section 4. Section 679.4015, Florida Statutes, is created to read:

679.4015 Florida Secured Transaction Registry.—

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

(a) *“Florida Secured Transaction Registry” or “registry” means the central database in which all initial financing statements, amendments, assignments, and other statements of change authorized to be filed under this chapter are filed, maintained, and retrieved. The term does not apply to documents that are filed under this chapter with the clerk of a circuit court.*

(b) *“Department” means the Department of State.*

(c) *“Materials and records” includes, but is not limited to, databases, source or object codes, and any software relating to the Florida Secured Transaction Registry or other filing system under this chapter, regardless of the original source of its creation or maintenance.*

(2) *The department shall perform the duties of the filing office and filing officer under this chapter until October 1, 2001, or until the effective date of a contract executed by the department for the performance of these duties, whichever occurs later. At that time, the department shall cease serving as the filing office and filing officer under this chapter, and thereafter, except to the extent the department may reclaim those duties under paragraph (3)(d), the department is not responsible for the performance of the duties of the filing office or filing officer under this chapter, including determinations of whether filings under this chapter satisfy the requirements of law.*

(3) *The department shall immediately develop and issue a request for qualifications seeking capable entities to perform the duties currently being performed by the department as the filing office and filing officer under this chapter.*

(a) *The qualifications shall, at a minimum, provide for the organization and maintenance of the Florida Secured Transaction Registry in a matter that:*

1. *Is comparable and compatible with the department’s current filing system.*

2. *Is open to the public and accessible through the Internet, to permit the review of all current filings of the department and all future filings in the registry, in compliance with chapter 119.*

3. *Provides for oversight and compliance audits by the department.*

4. *Requires records maintenance in compliance with this chapter and chapter 119.*

5. *Maintains the current level of filing fees and procedures for the deposit of revenues with the department as specified in chapter 15, net of operating costs.*

(b) *Under chapter 287, the department has the authority to determine and select the most qualified respondents to the request for qualifications and to negotiate and enter into one or more contracts as provided in this section.*

(c) *The contract may not be assignable or otherwise transferable without the express written consent of the department.*

(d) *Notwithstanding the terms and conditions of the contract, the department and the state retain sole and exclusive ownership of the materials and records in the registry, have the right to inspect and make copies of the materials and records in the registry, and have the right to immediately reclaim and take possession and control of the original materials and records in the registry if an entity under contract with the department does not, or cannot, perform the terms and conditions of the contract for any reason or commences an insolvency proceeding. If the department reclaims control of the materials and records in the registry, the department shall provide for the uninterrupted fulfillment of the duties of the filing office and filing officer under this chapter. The department is entitled to injunctive relief if an entity fails to turn over the materials and records upon demand, and the Circuit Court for Leon County, Florida, has exclusive original jurisdiction over any disputes pertaining to this section or any contract executed under this section.*

(4) *The department retains authority under this chapter to approve the forms required to be filed under this chapter. If authorized by the contract with the department, the entity performing the duties of the filing office may certify a copy of a financing statement, or an amendment thereto, which shall be admissible in a state or federal court or in a proceeding before any other tribunal.*

(5) *The department shall develop performance standards to ensure that the Florida Secured Transaction Registry is accurate and complete and that the users thereof are being well-served. Periodically, the department shall verify that these performance standards are being met or modified as may be needed from time to time.*

Section 5. Section 901.26, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 901.26, F.S., for present text.)

901.26 Arrest and detention of foreign nationals.—*Failure to provide consular notification under the Vienna Convention on Consular Relations or other bilateral consular conventions shall not be a defense in any criminal proceeding against any foreign national and shall not be cause for the foreign national’s discharge from custody.*

Section 6. (1) *The Coastal Management Program of the Department of Community Affairs and the Division of Historical Resources of the Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Coastal Management Program and the Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made*

available to the public for educational and recreational purposes. The Department of Community Affairs should consider these responsibilities to be a priority of the Florida Coastal Management Program, and implementation of this act should be a priority in the use of coastal management funds.

(2) The Department of Community Affairs and the Department of State shall request in their annual legislative budget requests funding necessary to carry out the duties and responsibilities specified in this act. Funds for the rehabilitation of lighthouses should be allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Community Affairs may assist the Division of Historical Resources in projects to accomplish lighthouse identification, assessment, restoration, and interpretation.

(3) There are appropriated in fiscal year 2001-2002 the sums of \$50,000 from nonrecurring general revenue to the Department of State and \$50,000 from nonrecurring general revenue to the Department of Community Affairs to implement the study required by this section.

(4) This section shall take effect upon this act becoming a law.

Section 7. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause

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

On motion by Rep. Miller, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 1157. The vote was:

Session Vote Sequence: 497

Yeas—119

Table with 4 columns listing names of representatives who voted 'Yeas'.

Table with 4 columns listing names of representatives who voted 'Nays'.

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 Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 409, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

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

Senate Amendment 21 (with title amendment)—On page 2, between lines 15 and 16,

insert:

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

And the title is amended as follows:

On page 1, line 12, after the semicolon,

insert: requiring competitive procurement of any insurance carrier that provides state-funded liability coverage; providing for the reversion of certain funds;

On motion by Rep. Farkas, the House concurred in Senate Amendment 21. The question recurred on the passage of CS/HB 409.

On motion by Rep. Farkas, further consideration of CS/HB 409 was temporarily postponed under Rule 11.10.

Recessed

The House recessed at 2:12 p.m., to reconvene at 2:45 p.m. today or upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 2:53 p.m. A quorum was present [Session Vote Sequence: 498].

Consideration of CS/HB 409

The House returned to the consideration of CS/HB 409.

CS/HB 409—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing

legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; providing an effective date.

The question recurred on the passage of CS/HB 409.

Motion

Rep. Frankel moved that the remarks made by Rep. Farkas relating to **CS/HB 409** be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Committee on Rules, Ethics & Elections.

The question recurred on the passage of CS/HB 409. The vote was:

Session Vote Sequence: 499

Yeas—117

The Chair	Clarke	Holloway	Negron
Alexander	Crow	Jennings	Paul
Allen	Cusack	Johnson	Peterman
Andrews	Davis	Jordan	Pickens
Argenziano	Detert	Joyner	Prieguez
Arza	Diaz de la Portilla	Justice	Rich
Attkisson	Dockery	Kallinger	Richardson
Atwater	Farkas	Kendrick	Ritter
Ausley	Fasano	Kilmer	Romeo
Baker	Fields	Kosmas	Ross
Ball	Fiorentino	Kottkamp	Rubio
Barreiro	Flanagan	Kravitz	Russell
Baxley	Frankel	Kyle	Ryan
Bean	Gannon	Lacasa	Seiler
Bendross-Mindingall	Garcia	Lee	Simmons
Bennett	Gardiner	Lerner	Siplin
Bense	Gelber	Littlefield	Slosberg
Benson	Gibson	Lynn	Smith
Berfield	Goodlette	Machek	Sobel
Betancourt	Gottlieb	Mack	Sorensen
Bilirakis	Green	Mahon	Spratt
Bowen	Greenstein	Mayfield	Stansel
Brown	Haridopolos	Maygarden	Trovillion
Brummer	Harper	McGriff	Waters
Brutus	Harrell	Meadows	Weissman
Bucher	Harrington	Mealor	Wiles
Bullard	Hart	Melvin	Wilson
Byrd	Henriquez	Miller	
Cantens	Heyman	Murman	
Carassas	Hogan	Needelman	

Nays—None

Votes after roll call:

Yeas—Wallace, Wishner

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2012 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senator Crist—

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

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

Session Vote Sequence: 500

Yeas—115

The Chair	Crow	Holloway	Needelman
Alexander	Cusack	Jennings	Negron
Allen	Davis	Johnson	Paul
Andrews	Detert	Jordan	Peterman
Argenziano	Diaz de la Portilla	Joyner	Pickens
Arza	Diaz-Balart	Justice	Prieguez
Attkisson	Dockery	Kallinger	Rich
Atwater	Farkas	Kendrick	Richardson
Ausley	Fasano	Kilmer	Ritter
Baker	Fields	Kosmas	Romeo
Ball	Fiorentino	Kottkamp	Ross
Barreiro	Flanagan	Kravitz	Rubio
Baxley	Frankel	Kyle	Ryan
Bean	Gannon	Lacasa	Seiler
Bendross-Mindingall	Garcia	Lee	Simmons
Bennett	Gelber	Lerner	Siplin
Benson	Gibson	Littlefield	Slosberg
Berfield	Goodlette	Lynn	Smith
Betancourt	Gottlieb	Machek	Sobel
Bilirakis	Green	Mack	Sorensen
Bowen	Greenstein	Mahon	Spratt
Brown	Haridopolos	Mayfield	Stansel
Brummer	Harper	Maygarden	Trovillion
Bucher	Harrell	McGriff	Wallace
Bullard	Harrington	Meadows	Waters
Byrd	Hart	Mealor	Weissman
Cantens	Henriquez	Melvin	Wiles
Carassas	Heyman	Miller	Wilson
Clarke	Hogan	Murman	

Nays—None

Votes after roll call:

Yeas—Gardiner, Wishner

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1726 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health, Aging and Long-Term Care and Senator Saunders—

CS for SB 1726—A bill to be entitled An act relating to public records; providing for release of such information under certain circumstances; creating s. 430.105, F.S.; providing for confidentiality and exemption from the public records law for information relating to clients of the Department of Elderly Affairs, clients of service providers contracting with the Department of Elderly Affairs, and certain elders receiving services through programs administered by or funded by the Department of Elderly Affairs; requiring consent for disclosure; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

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

Session Vote Sequence: 501

Yeas—114

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Diaz-Balart	Joyner	Prieguez
Baker	Dockery	Kendrick	Rich
Ball	Farkas	Kilmer	Richardson
Barreiro	Fasano	Kosmas	Ritter
Baxley	Fields	Kottkamp	Romeo
Bean	Fiorentino	Kravitz	Ross
Bendross-Mindingall	Frankel	Kyle	Rubio
Bennett	Gannon	Lacasa	Russell
Bense	Garcia	Lee	Ryan
Benson	Gardiner	Lerner	Seiler
Berfield	Gelber	Littlefield	Simmons
Betancourt	Gibson	Lynn	Siplin
Bilirakis	Goodlette	Machek	Slosberg
Bowen	Green	Mack	Smith
Brown	Greenstein	Mahon	Sobel
Brummer	Haridopolos	Mayfield	Sorensen
Brutus	Harper	Maygarden	Spratt
Bucher	Harrell	Meadows	Stansel
Bullard	Harrington	Mealor	Trovillion
Byrd	Hart	Melvin	Wallace
Cantens	Henriquez	Miller	Waters
Clarke	Heyman	Murman	Weissman
Crow	Hogan	Needelman	Wiles
Cusack	Holloway	Negron	Wilson
Davis	Jennings	Paul	Wishner
Detert	Johnson	Peterman	
Diaz de la Portilla	Jordan	Pickens	

Nays—5

Carassas	Justice	Kallinger	McGriff
Gottlieb			

Votes after roll call:

Yeas—Flanagan

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1996, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Crist, Lee, Miller and Sebesta—

SB 1996—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to provide for an employer pick-up provision so that employee pension contributions can be made on a pre-tax basis; providing for additional authorized investments; restructuring the 13th Check Program; providing an effective date.

Proof of publication of the required notice was attached.

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

Session Vote Sequence: 502

Yeas—120

The Chair	Ausley	Bense	Brutus
Alexander	Baker	Benson	Bucher
Allen	Ball	Berfield	Bullard
Andrews	Barreiro	Betancourt	Byrd
Argenziano	Baxley	Bilirakis	Cantens
Arza	Bean	Bowen	Carassas
Attkisson	Bendross-Mindingall	Brown	Clarke
Atwater	Bennett	Brummer	Crow

Cusack	Harper	Lerner	Ritter
Davis	Harrell	Littlefield	Romeo
Detert	Harrington	Lynn	Ross
Diaz de la Portilla	Hart	Machek	Rubio
Diaz-Balart	Henriquez	Mack	Russell
Dockery	Heyman	Mahon	Ryan
Farkas	Hogan	Mayfield	Seiler
Fasano	Holloway	Maygarden	Simmons
Fields	Jennings	McGriff	Siplin
Fiorentino	Johnson	Meadows	Slosberg
Flanagan	Jordan	Mealor	Smith
Frankel	Joyner	Melvin	Sobel
Gannon	Justice	Miller	Sorensen
Garcia	Kallinger	Murman	Spratt
Gardiner	Kendrick	Needelman	Stansel
Gelber	Kilmer	Negron	Trovillion
Gibson	Kosmas	Paul	Wallace
Goodlette	Kottkamp	Peterman	Waters
Gottlieb	Kravitz	Pickens	Weissman
Green	Kyle	Prieguez	Wiles
Greenstein	Lacasa	Rich	Wilson
Haridopolos	Lee	Richardson	Wishner

Nays—None

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1265, with one amendment, by the required constitutional three-fifths vote of the members of the Senate, and requests the concurrence of the House.

Faye W. Blanton, Secretary

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

Senate Amendment 1—On page 3, line 14, following the figure “442” insert: or similar legislation

On motion by Rep. Green, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 1265. The vote was:

Session Vote Sequence: 503

Yeas—120

The Chair	Bense	Cusack	Gibson
Alexander	Benson	Davis	Goodlette
Allen	Berfield	Detert	Gottlieb
Andrews	Betancourt	Diaz de la Portilla	Green
Argenziano	Bilirakis	Diaz-Balart	Greenstein
Arza	Bowen	Dockery	Haridopolos
Attkisson	Brown	Farkas	Harper
Atwater	Brummer	Fasano	Harrell
Ausley	Brutus	Fields	Harrington
Baker	Bucher	Fiorentino	Hart
Ball	Bullard	Flanagan	Henriquez
Barreiro	Byrd	Frankel	Heyman
Baxley	Cantens	Gannon	Hogan
Bean	Carassas	Garcia	Holloway
Bendross-Mindingall	Clarke	Gardiner	Jennings
Bennett	Crow	Gelber	Johnson

Jordan	Lynn	Paul	Siplin
Joyner	Machek	Peterman	Slosberg
Justice	Mack	Pickens	Smith
Kallinger	Mahon	Prieguez	Sobel
Kendrick	Mayfield	Rich	Sorensen
Kilmer	Maygarden	Richardson	Spratt
Kosmas	McGriff	Ritter	Stansel
Kottkamp	Meadows	Romeo	Trovillion
Kravitz	Mealor	Ross	Wallace
Kyle	Melvin	Rubio	Waters
Lacasa	Miller	Russell	Weissman
Lee	Murman	Ryan	Wiles
Lerner	Needelman	Seiler	Wilson
Littlefield	Negron	Simmons	Wishner

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 Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 330, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Sullivan, Garcia, Latvala, Miller and Crist—

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

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

Representative(s) Murman, Lacasa, and Hart offered the following:

(Amendment Bar Code: 302835)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *There is hereby appropriated \$2,500,000 from nonrecurring General Revenue for Fiscal Year 2001-2002 to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for the purpose of construction, repairs, furnishing, and equipment at the H. Lee Moffitt Cancer Center and Research Institute.*

Section 2. This act shall take effect July 1, 2001.

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 H. Lee Moffitt Cancer Center and Research Institute; providing an appropriation; providing an effective date.

Rep. Murman moved the adoption of the amendment, which was adopted.

On motion by Rep. Hart, the rules were waived and SB 330, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 504

Yeas—115

The Chair	Andrews	Attkisson	Baker
Alexander	Argenziano	Atwater	Ball
Allen	Arza	Ausley	Barreiro

Baxley	Fasano	Kallinger	Pickens
Bean	Fields	Kendrick	Prieguez
Bendross-Mindingall	Fiorentino	Kilmer	Rich
Bennett	Frankel	Kosmas	Richardson
Bense	Gannon	Kottkamp	Ritter
Benson	Garcia	Kravitz	Romeo
Berfield	Gardiner	Kyle	Ross
Betancourt	Gelber	Lacasa	Russell
Bilirakis	Gibson	Lee	Ryan
Bowen	Goodlette	Lerner	Seiler
Brown	Gottlieb	Littlefield	Simmons
Brummer	Green	Lynn	Siplin
Brutus	Greenstein	Machek	Slosberg
Bucher	Haridopolos	Mack	Smith
Bullard	Harper	Mahon	Sobel
Byrd	Harrell	Maygarden	Sorensen
Cantens	Hart	McGriff	Spratt
Carassas	Henriquez	Meadows	Stansel
Clarke	Heyman	Mealor	Trovillion
Crow	Hogan	Melvin	Wallace
Cusack	Holloway	Miller	Waters
Davis	Jennings	Murman	Weissman
Detert	Johnson	Needelman	Wiles
Diaz de la Portilla	Jordan	Negron	Wilson
Dockery	Joyner	Paul	Wishner
Farkas	Justice	Peterman	

Nays—None

Votes after roll call:

Yeas—Flanagan

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1564 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Carlton—

SB 1564—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2001 version of the Internal Revenue Code; providing for retroactivity; providing an effective date.

—was read the first time by title.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

On motion by Rep. Wallace, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 505

Yeas—117

The Chair	Bean	Bullard	Fasano
Alexander	Bendross-Mindingall	Byrd	Feeney
Allen	Bennett	Cantens	Fields
Andrews	Bense	Carassas	Fiorentino
Argenziano	Benson	Clarke	Flanagan
Arza	Berfield	Crow	Frankel
Attkisson	Betancourt	Cusack	Gannon
Atwater	Bilirakis	Davis	Garcia
Ausley	Bowen	Detert	Gardiner
Baker	Brown	Diaz de la Portilla	Gelber
Ball	Brummer	Diaz-Balart	Gibson
Barreiro	Brutus	Dockery	Goodlette
Baxley	Bucher	Farkas	Gottlieb

Green	Kilmer	Miller	Simmons
Greenstein	Kosmas	Murman	Siplin
Haridopolos	Kottkamp	Needelman	Smith
Harper	Kravitz	Negron	Sobel
Harrell	Kyle	Paul	Sorensen
Harrington	Lacasa	Peterman	Spratt
Hart	Lerner	Pickens	Stansel
Henriquez	Littlefield	Prieguez	Trovillion
Heyman	Lynn	Rich	Wallace
Hogan	Machek	Richardson	Waters
Holloway	Mack	Ritter	Weissman
Jennings	Mahon	Romeo	Wiles
Johnson	Mayfield	Ross	Wilson
Jordan	McGriff	Rubio	Wishner
Joyner	Meadows	Russell	
Kallinger	Mealor	Ryan	
Kendrick	Melvin	Seiler	

Nays—None

Votes after roll call:

Yeas—Justice

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senators Burt, Smith, Lawson and Mitchell—

CS for SB 2—A bill to be entitled An act relating to retirement; providing a declaration of an important state interest; providing for a one-time cost-of-living increase for certain retired members of the Florida Retirement System who have service credit earned between September 30, 1978, and January 1, 1993, in the Special Risk Class of the Florida Retirement System; providing an effective date.

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

Representative(s) Cantens offered the following:

(Amendment Bar Code: 101723)

Amendment 1 (with title amendment)—On page 1, line 20, insert:

Section 1. Paragraph (b) of subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)

(b) Any retired member of the Florida Retirement System, or any existing system as defined in s. 121.021(2), who, on or after July 1, 1990, is serving in, or is elected or appointed to, an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). Pursuant thereto:

1. Any such retired member shall be eligible to continue to receive retirement benefits as well as compensation for the elected officer service for as long as he or she remains in an elective office covered by the Elected Officers' Class.

2. If any such member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she

shall be entitled to receive an additional retirement benefit for such elected officer service.

3. Such member shall be entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class prior to July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position prior to July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

4. Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However, service earned in accordance with the renewed membership provisions in s. 121.122 may be used in conjunction with creditable service earned under this paragraph, provided applicable vesting requirements and other existing statutory conditions required by this chapter are met.

5. Any elected officer who is a participating member of DROP may terminate participation at any time during the 60-month DROP participation period and elect to enroll in the appropriate subclass of the Elected Officers' Class, including participating in the Senior Management Service Class, effective the first day of the following month.

Section 2. Paragraph (b) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

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

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

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective

date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

d. *An elected officer who is elected or appointed to an elective office is not subject to termination limitations as provided in chapter 121.*

And the title is amended as follows:

On page 1, line 2, after "disabilities;"

insert: amending s. 121.053, F.S.; authorizing elected officers participating in DROP to terminate participation in DROP and enroll in a subclass of the Elected Officers' Class; amending s. 121.091, F.S.; increasing the time for participation in the Deferred Retirement Option Program for members of the elected officers class of the Florida Retirement System; providing that elected officers are not subject to termination limitations;

Rep. Cantens moved the adoption of the amendment, which was adopted.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 511277)

Amendment 2 (with title amendment)—On page 1, line 13, of the bill

insert:

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

121.4501 Public Employee Optional Retirement Program.—

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

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

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program, *including a "bundled provider" that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions; direct advice and guidance on its investments options; a broad array of distribution options; and asset allocation and retirement counseling and education.* Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

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

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

2. If the employee chooses to move from the *Public Employee Optional Retirement Program* to the defined benefit program, the employee must transfer from his or her *optional program* ~~Public Employee Optional Retirement Program~~ account and from other employee moneys as necessary, a sum representing all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.

If, at the time of a member's election to transfer to the defined benefit program, the member's optional program account does not contain the total amount required to be transferred to the defined benefit program, the member must pay the remaining balance. If the member's optional program account contains more than the amount required to be transferred to the defined benefit program, such additional amount shall remain in the member's optional program account.

(8) ADMINISTRATION OF PROGRAM.—

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

2. *These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. Nothing in this section shall prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions.*

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

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

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

(a) The board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products to which employees may direct retirement contributions under the program. In accordance with such policy and procedures, the board shall designate and contract for a number of investment products as determined by the board. The board shall also

select one or more bundled providers, each of whom ~~who~~ offer nine ~~multiple~~ investment options and related services ~~products~~ when such an approach is determined by the board to afford value to the participants otherwise not available through individual investment products. *Each approved bundled provider may offer investment options that provide participants with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent either a single asset class or a combination thereof: money markets, U.S. fixed income, U.S. equities, and foreign stock.* The board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the plan.

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

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

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

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition shall not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.*

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

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

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

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

4. *Approved providers are prohibited from selling or in any way distributing any customer list or participant identification information*

generated through their offering of products or services through the optional retirement program.

Section 2. *The appointment of the executive director of the State Board of Administration shall be subject to the approval by a majority vote of the Board of Trustees of the State Board of Administration and the Governor must vote on the prevailing side. Such appointment must be reaffirmed in the same manner by the Board of Trustees on an annual basis.*

And the title is amended as follows:

On page 1, line 2, after the semicolon

insert: amending s. 121.4501, F.S.; redefining the term “approved provider”; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration;

Rep. Fasano moved the adoption of the amendment, which was adopted.

On motion by Rep. Fasano, the rules were waived and CS for SB 2, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 506

Yeas—115

Alexander	Clarke	Holloway	Paul
Allen	Crow	Jennings	Peterman
Andrews	Davis	Johnson	Pickens
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Justice	Rich
Attkisson	Diaz-Balart	Kallinger	Richardson
Atwater	Dockery	Kendrick	Ritter
Ausley	Farkas	Kilmer	Romeo
Baker	Fasano	Kosmas	Ross
Ball	Fields	Kottkamp	Rubio
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Ryan
Bean	Frankel	Lacasa	Seiler
Bendross-Mindingall	Garcia	Lee	Simmons
Bennett	Gardiner	Lerner	Siplin
Bense	Gelber	Littlefield	Slosberg
Benson	Gibson	Lynn	Smith
Berfield	Goodlette	Machek	Sobel
Betancourt	Gottlieb	Mack	Sorensen
Bilirakis	Green	Mahon	Spratt
Bowen	Greenstein	Mayfield	Stansel
Brown	Haridopolos	McGriff	Trovillion
Brummer	Harper	Meadows	Wallace
Brutus	Harrell	Mealor	Waters
Bucher	Harrington	Melvin	Weissman
Bullard	Hart	Miller	Wiles
Byrd	Henriquez	Murman	Wilson
Cantens	Heyman	Needelman	Wishner
Carassas	Hogan	Negron	

Nays—None

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1204, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Finance and Taxation, Agriculture and Consumer Services and Senator Bronson—

CS for CS for SB 1204—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 370.13, F.S.; renaming depredation endorsements as depredation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries Commission; amending s. 370.20, F.S.; providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; conforming the responsibilities for issuing artificial-reef permits with transfer of duties to the Department of Environmental Protection; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; encouraging the release and feeding of certain quail; amending s. 372.57, F.S.; deleting requirements for the use of certain fees to subsidize the private landowner payment program; providing an effective date.

—was read the first time by title. On motion by Rep. Harrington, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 507

Yeas—116

The Chair	Carassas	Heyman	Negron
Alexander	Clarke	Hogan	Paul
Allen	Crow	Holloway	Peterman
Andrews	Davis	Jennings	Pickens
Argenziano	Detert	Johnson	Prieguez
Arza	Diaz de la Portilla	Jordan	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Feeney	Kosmas	Rubio
Barreiro	Fields	Kottkamp	Russell
Baxley	Fiorentino	Kravitz	Ryan
Bean	Flanagan	Kyle	Seiler
Bendross-Mindingall	Frankel	Lacasa	Simmons
Bennett	Garcia	Lee	Siplin
Bense	Gardiner	Lerner	Slosberg
Benson	Gelber	Littlefield	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	McGriff	Trovillion
Brummer	Haridopolos	Spratt	Wallace
Brutus	Harper	Mealor	Waters
Bucher	Harrell	Melvin	Weissman
Bullard	Harrington	Miller	Wiles
Byrd	Hart	Murman	Wilson
Cantens	Henriquez	Needelman	Wishner

Nays—1

Lynn

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2274, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Dawson—

SB 2274—A bill to be entitled An act relating to Broward County; authorizing local governments in the county to grant an exception from

the concurrency requirement for transportation facilities under s. 163.3180, F.S., for certain developments; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Rep. Ritter, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 508

Yeas—119

Alexander	Crow	Hogan	Negron
Allen	Cusack	Holloway	Paul
Andrews	Davis	Jennings	Peterman
Argenziano	Detert	Johnson	Pickens
Arza	Diaz de la Portilla	Jordan	Prieguez
Attkisson	Diaz-Balart	Joyner	Rich
Atwater	Dockery	Justice	Richardson
Ausley	Farkas	Kallinger	Ritter
Baker	Fasano	Kendrick	Romeo
Ball	Feeney	Kilmer	Ross
Barreiro	Fields	Kosmas	Rubio
Baxley	Fiorentino	Kottkamp	Russell
Bean	Flanagan	Kravitz	Ryan
Bendross-Mindingall	Frankel	Kyle	Seiler
Bennett	Gannon	Lacasa	Simmons
Bense	Garcia	Lee	Siplin
Benson	Gardiner	Lerner	Slosberg
Berfield	Gelber	Littlefield	Smith
Betancourt	Gibson	Lynn	Sobel
Bilirakis	Goodlette	Machek	Sorensen
Bowen	Gottlieb	Mack	Spratt
Brown	Green	Mahon	Stansel
Brummer	Greenstein	Mayfield	Trovillion
Brutus	Haridopolos	McGriff	Wallace
Bucher	Harper	Meadows	Waters
Bullard	Harrell	Mealor	Weissman
Byrd	Harrington	Melvin	Wiles
Cantens	Hart	Miller	Wilson
Carassas	Henriquez	Murman	Wishner
Clarke	Heyman	Needelman	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 979, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 979—A bill to be entitled An act relating to Okaloosa County; creating and establishing an independent special district in said county to be known as the North Okaloosa Fire District; creating a charter; describing the district; prescribing its powers; providing for a board of fire commissioners; providing for compensation; requiring a bond; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing non-ad valorem assessments; authorizing the district to accept gifts and donations; providing the district’s fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing a penalty; ratifying actions previously taken; requiring certain notice of legal action; providing for a district expansion and merger; providing severability; providing for a referendum; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 10, lines 8 through 29, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, line 21, delete that line

On motion by Rep. Melvin, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/HB 979. The vote was:

Session Vote Sequence: 509

Yeas—116

The Chair	Carassas	Henriquez	Murman
Alexander	Clarke	Heyman	Needelman
Allen	Crow	Hogan	Negron
Andrews	Cusack	Holloway	Paul
Argenziano	Davis	Jennings	Peterman
Arza	Detert	Johnson	Pickens
Attkisson	Diaz de la Portilla	Jordan	Prieguez
Atwater	Diaz-Balart	Joyner	Rich
Ausley	Dockery	Justice	Richardson
Baker	Farkas	Kallinger	Ritter
Ball	Fasano	Kendrick	Romeo
Barreiro	Feeney	Kilmer	Ross
Baxley	Fields	Kosmas	Rubio
Bean	Fiorentino	Kottkamp	Russell
Bendross-Mindingall	Flanagan	Kravitz	Ryan
Bennett	Frankel	Kyle	Seiler
Bense	Gannon	Lacasa	Simmons
Benson	Garcia	Lee	Siplin
Berfield	Gardiner	Lerner	Slosberg
Betancourt	Gelber	Littlefield	Smith
Bilirakis	Gibson	Lynn	Sobel
Bowen	Goodlette	Machek	Sorensen
Brown	Gottlieb	Mack	Stansel
Brummer	Green	Mahon	Trovillion
Brutus	Greenstein	McGriff	Wallace
Bucher	Haridopolos	Meadows	Weissman
Bullard	Harper	Mealor	Wiles
Byrd	Harrell	Melvin	Wilson
Cantens	Hart	Miller	Wishner

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 Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1903, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1903—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, as amended, relating to the Escambia County Civil Service System; providing for the discretionary withdrawal of any local participating governmental agency or political subdivision from the Civil Service system; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 4, line 15, through page 5, line 3, delete those lines

and insert:

7.2 *Option to Withdraw from Civil Service. Upon the effective date of this act, the Supervisor of Elections, the Tax Collector, the Property Appraiser, the Clerk of the Court, and the District School Board may elect by a majority vote of the governing body, or for the four county constitutional officers specified herein, by written notice to the Civil Service Board, to withdraw from the Civil Service system, in which case the local board or county constitutional officer shall be exempt from the provisions of chapter 83-405, Laws of Florida, as amended in all its parts. Additional Positions Eligible for Exemption. In addition to those positions described in paragraphs (a) through (c) in subsection 7.1, the*

following positions may, by rule of the Board, also be exempt from the career Civil Service:

And the title is amended as follows:

On page 1, lines 6 & 7, delete those lines

and insert: withdrawal of certain constitutional officers and the District School Board

On motion by Rep. Melvin, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 1903. The vote was:

Session Vote Sequence: 510

Yeas—117

The Chair	Crow	Hogan	Peterman
Alexander	Cusack	Holloway	Pickens
Allen	Davis	Jennings	Prieguez
Andrews	Detert	Johnson	Rich
Argenziano	Diaz de la Portilla	Jordan	Richardson
Arza	Diaz-Balart	Joyner	Ritter
Attkisson	Dockery	Justice	Romeo
Atwater	Farkas	Kallinger	Ross
Ausley	Fasano	Kendrick	Rubio
Baker	Feeney	Kilmer	Russell
Ball	Fields	Kosmas	Ryan
Barreiro	Fiorentino	Kottkamp	Seiler
Baxley	Flanagan	Kravitz	Simmons
Bean	Frankel	Kyle	Siplin
Bendross-Mindingall	Gannon	Lacasa	Slosberg
Bennett	Garcia	Lee	Smith
Bense	Gardiner	Lerner	Sobel
Benson	Gelber	Littlefield	Sorensen
Berfield	Gibson	Lynn	Spratt
Betancourt	Goodlette	Machek	Stansel
Bilirakis	Gottlieb	Mack	Trovillion
Bowen	Green	Mahon	Wallace
Brummer	Greenstein	Mayfield	Waters
Brutus	Haridopolos	McGriff	Weissman
Bucher	Harper	Meadows	Wiles
Bullard	Harrell	Melvin	Wilson
Byrd	Harrington	Murman	Wishner
Cantens	Hart	Needelman	
Carassas	Henriquez	Negron	
Clarke	Heyman	Paul	

Nays—2

Brown Miller

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 636, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Pruitt—

SB 636—A bill to be entitled An act relating to high school grades; amending s. 232.2463, F.S.; altering the required ranges of percentage grades that equate to letter grades and grade points; providing an effective date.

—was read the first time by title. On motion by Rep. Atwater, the rules were waived and the bill was read the second time by title.

THE SPEAKER IN THE CHAIR

Motion

Rep. Brummer moved the previous question on the bill, which was agreed to.

On motion by Rep. Atwater, the rules were waived and SB 636 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 511

Yeas—96

Alexander	Crow	Hogan	Miller
Allen	Cusack	Holloway	Needelman
Argenziano	Davis	Jennings	Negron
Arza	Detert	Johnson	Peterman
Attkisson	Diaz de la Portilla	Jordan	Pickens
Atwater	Farkas	Joyner	Prieguez
Ausley	Fasano	Justice	Rich
Ball	Fields	Kallinger	Richardson
Baxley	Fiorentino	Kendrick	Ritter
Bean	Frankel	Kilmer	Russell
Bendross-Mindingall	Gannon	Kosmas	Ryan
Bennett	Garcia	Kravitz	Seiler
Bense	Gardiner	Kyle	Simmons
Benson	Gelber	Lee	Siplin
Berfield	Gibson	Lerner	Slosberg
Betancourt	Gottlieb	Littlefield	Smith
Bilirakis	Green	Lynn	Sobel
Brown	Greenstein	Machek	Spratt
Brutus	Haridopolos	Mack	Stansel
Bucher	Harper	Mahon	Trovillion
Bullard	Harrell	McGriff	Weissman
Cantens	Hart	Meadows	Wiles
Carassas	Henriquez	Mealor	Wilson
Clarke	Heyman	Melvin	Wishner

Nays—19

The Chair	Byrd	Kottkamp	Rubio
Andrews	Diaz-Balart	Lacasa	Sorensen
Baker	Dockery	Murman	Wallace
Barreiro	Flanagan	Paul	Waters
Brummer	Goodlette	Romeo	

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 910, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senator King—

CS for SB 910—A bill to be entitled An act relating to administrative procedures; amending s. 57.111, F.S.; increasing the limitation on attorney's fees and costs; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; revising requirements for initiating specified proceedings under the Environmental Protection Act; providing an effective date.

—was read the first time by title. Rep. Ross moved to waive the rules and read the bill the second time by title.

On motion by Rep. Ross, further consideration of **CS for SB 910**, was temporarily postponed under Rule 11.10.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1821, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1821—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Paragraph (a) of subsection (7) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(7) CONTRIBUTIONS.—

(a) The following table states the required retirement contribution rates for members of the Elected Officers' Class and their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
July 1, 1972, through September 30, 1977		
—Legislators	8%	8%
—All Other Members	8%	8%
October 1, 1977, through September 30, 1978		
—Legislators	8%	8%
—All Other Members	4%	12%
October 1, 1978, through September 30, 1979		
—Legislators	8%	10.57%
—All Other Members	4%	16.78%
October 1, 1979, through September 30, 1981		
—Legislators	8%	10.57%
—Governor, Lt. Governor, Cabinet		
—Officers	4%	16.78%
—All Other Members	0%	20.78%
July 1, 1981, through June 30, 1984		
—County Elected Officers	0%	19.30%
July 1, 1984, through September 30, 1984		
—County Elected Officers	0%	20.25%
October 1, 1981, through September 30, 1984		
—Legislators	0%	19.30%
—Governor, Lt. Governor, Cabinet		
—Officers	0%	21.03%
—State Attorneys, Public Defenders	0%	20.95%
—Justices, Judges	0%	22.55%
October 1, 1984, through September 30, 1986		
—Legislators	0%	10.98%
—Governor, Lt. Governor, Cabinet		

Dates of Contribution Rate Changes	Members	Employers
—Officers	0%	10.98%
—State Attorneys, Public Defenders	0%	10.98%
—Justices, Judges	0%	21.79%
—County Elected Officers	0%	16.97%
October 1, 1986, through December 31, 1988		
—Legislators	0%	11.50%
—Governor, Lt. Governor, Cabinet		
—Officers	0%	11.50%
—State Attorneys, Public Defenders	0%	11.50%
—Justices, Judges	0%	20.94%
—County Elected Officers	0%	17.19%
January 1, 1989, through December 31, 1989		
—Legislators	0%	13.70%
—Governor, Lt. Governor, Cabinet		
—Officers	0%	13.70%
—State Attorneys, Public Defenders	0%	13.70%
—Justices, Judges	0%	22.58%
—County Elected Officers	0%	18.44%
January 1, 1990, through December 31, 1990		
—Legislators	0%	15.91%
—Governor, Lt. Governor, Cabinet		
—Officers	0%	15.91%
—State Attorneys, Public Defenders	0%	15.91%
—Justices, Judges	0%	24.22%
—County Elected Officers	0%	19.71%
January 1, 1991, through December 31, 1991		
—Legislators	0%	17.73%
—Governor, Lt. Governor, Cabinet		
—Officers	0%	17.73%
—State Attorneys, Public Defenders	0%	17.73%
—Justices, Judges	0%	26.63%
—County Elected Officers	0%	23.32%
January 1, 1992, through December 31, 1992		
—Legislators	0%	19.94%
—Governor, Lt. Governor, Cabinet		
—Officers	0%	19.94%
—State Attorneys, Public Defenders	0%	19.94%
—Justices, Judges	0%	28.27%
—County Elected Officers	0%	24.59%
January 1, 1993, through December 31, 1993		
—Legislators	0%	22.14%
—Governor, Lt. Governor, Cabinet		
—Officers	0%	22.14%
—State Attorneys, Public Defenders	0%	22.14%
—Justices, Judges	0%	29.91%
—County Elected Officers	0%	25.84%
January 1, 1994, through December 31, 1994		
—Legislators	0%	22.65%
—Governor, Lt. Governor, Cabinet		
—Officers	0%	22.65%
—State Attorneys, Public Defenders	0%	22.65%
—Justices, Judges	0%	30.52%
—County Elected Officers	0%	26.97%
January 1, 1995, through December 31, 1995		
—Legislators	0%	22.80%
—Governor, Lt. Governor, Cabinet		
—Officers	0%	22.80%
—State Attorneys, Public Defenders	0%	22.80%
—Justices, Judges	0%	30.21%
—County Elected Officers	0%	27.48%
January 1, 1996, through June 30, 1996		
—Legislators	0%	22.90%
—Governor, Lt. Governor, Cabinet		
—Officers	0%	22.90%
—State Attorneys, Public Defenders	0%	22.90%

Dates of Contribution Rate Changes	Members	Employers
—Justices, Judges	0%	30.15%
—County Elected Officers	0%	27.54%
July 1, 1996, through June 30, 1998		
—Legislators	0%	23.07%
—Governor, Lt. Governor, Cabinet —Officers	0%	23.07%
—State Attorneys, Public Defenders	0%	23.07%
—Justices, Judges	0%	29.55%
—County Elected Officers	0%	27.33%

July 1, 1998, through June 30, 1999		
—Legislators	0%	22.33%
—Governor, Lt. Governor, Cabinet —Officers	0%	22.33%
—State Attorneys, Public Defenders	0%	22.33%
—Justices, Judges	0%	27.21%
—County Elected Officers	0%	26.99%

Effective July 1, 1999	Members	Employers
—Legislators	0%	14.31%
—Governor, Lt. Governor, Cabinet —Officers	0%	14.31%
—State Attorneys, Public Defenders	0%	14.31%
—Justices, Judges	0%	20.48%
—County Elected Officers	0%	17.05%

Effective July 1, 2001	Members	Employers
Legislators	0%	15.14%
Governor, Lt. Governor, Cabinet Officers	0%	15.14%
State Attorneys, Public Defenders	0%	15.14%
Justices, Judges	0%	20.61%
County Elected Officers	0%	17.61%

Section 2. Paragraph (a) of subsection (3) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the “Senior Management Service Class,” which shall become effective February 1, 1987.

(3)(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of a percentage of the member’s gross compensation. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
February 1, 1987, through —December 31, 1988	0%	13.88%
January 1, 1989, through —December 31, 1989	0%	14.95%
January 1, 1990, through —December 31, 1990	0%	16.04%
January 1, 1991, through —December 31, 1991	0%	18.39%
January 1, 1992, through —December 31, 1992	0%	19.48%
January 1, 1993, through —December 31, 1993	0%	20.55%
January 1, 1994, through —December 31, 1994	0%	23.07%
January 1, 1995, through —December 31, 1995	0%	23.88%
January 1, 1996, through —June 30, 1996	0%	24.14%

Dates of Contribution Rate Changes	Members	Employers
July 1, 1996, through —June 30, 1998	0%	21.58%
July 1, 1998, through —June 30, 1999	0%	23.10%
Effective July 1, 1999 — Effective July 1, 2001	0%	11.19%
	0%	11.73%

Section 3. Subsection (1) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) The following tables state the required retirement contribution rates for members of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class and their employers in terms of a percentage of the member’s gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

(a) Retirement contributions for regular members are as follows:

Dates of Contribution Rate Changes	Members	Employers
December 1, 1970, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	4%	4%
December 1, 1970, through September 30, 1975, for all other local government agencies	4%	4%
January 1, 1975, through September 30, 1978, for state agencies and state universities	0%	9%
January 1, 1975, through July 31, 1978, for community colleges and district school boards	0%	9%
October 1, 1975, through September 30, 1978, for all other local government agencies	0%	9%
August 1, 1978, through September 30, 1981, for community colleges and district school boards	0%	9.1%
October 1, 1978, through September 30, 1981, for all other agencies	0%	9.1%
October 1, 1981, through —September 30, 1984	0%	10.93%
October 1, 1984, through —September 30, 1986	0%	12.24%
October 1, 1986, through —December 31, 1988	0%	13.14%
January 1, 1989, through —December 31, 1989	0%	13.90%
January 1, 1990, through —December 31, 1990	0%	14.66%
January 1, 1991, through —December 31, 1991	0%	15.72%
January 1, 1992, through —December 31, 1992	0%	16.51%

Dates of Contribution Rate Changes	Members	Employers
January 1, 1993, through —December 31, 1993	0%	17.27%
January 1, 1994, through —December 31, 1994	0%	17.10%
January 1, 1995, through —December 31, 1995	0%	16.91%
January 1, 1996, through —June 30, 1996	0%	17.00%
July 1, 1996, through —June 30, 1998	0%	16.77%
July 1, 1998, through —June 30, 1999	0%	15.51%
Effective July 1, 1999 —	0%	9.21%
Effective July 1, 2001	0%	9.91%

(b) Retirement contributions for special risk members are as follows:

Dates of Contribution Rate Changes	Members	Employers
December 1, 1970, through —September 30, 1974	6%	6%
October 1, 1974, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	8%	8%
October 1, 1974, through September 30, 1975, for all other local government agencies	8%	8%
January 1, 1975, through September 30, 1978, for state agencies, state universities, community colleges, and district school boards	0%	13%
October 1, 1975, through September 30, 1978, for other local government agencies	0%	13%
October 1, 1978, through —September 30, 1981	0%	13.95%
October 1, 1981, through —September 30, 1984	0%	13.91%
October 1, 1984, through —September 30, 1986	0%	14.67%
October 1, 1986, through —December 31, 1988	0%	15.11%
January 1, 1989, through —December 31, 1989	0%	17.50%
January 1, 1990, through —December 31, 1990	0%	19.90%
January 1, 1991, through —December 31, 1991	0%	25.52%
January 1, 1992, through —December 31, 1992	0%	26.35%
January 1, 1993, through —December 31, 1993	0%	27.14%
January 1, 1994, through —December 31, 1994	0%	27.03%
January 1, 1995, through		

Dates of Contribution Rate Changes	Members	Employers
—December 31, 1995	0%	26.83%
January 1, 1996, through —June 30, 1996	0%	26.84%
July 1, 1996, through —June 30, 1998	0%	26.44%
July 1, 1998, through —June 30, 1999	0%	24.38%
July 1, 1999, through —June 30, 2000	0%	20.22%
Effective July 1, 2000 —	0%	20.35%
Effective July 1, 2001	0%	22.07%

(c) Retirement contributions for special risk administrative support members are as follows:

Dates of Contribution Rate Changes	Members	Employers
July 1, 1982, through —September 30, 1984	0%	11.14%
October 1, 1984, through —September 30, 1986	0%	13.09%
October 1, 1986, through —December 31, 1988	0%	15.44%
January 1, 1989, through —December 31, 1989	0%	14.76%
January 1, 1990, through —December 31, 1990	0%	14.09%
January 1, 1991, through —December 31, 1991	0%	20.16%
January 1, 1992, through —December 31, 1992	0%	19.51%
January 1, 1993, through —December 31, 1993	0%	18.83%
January 1, 1994, through —December 31, 1994	0%	18.59%
January 1, 1995, through —December 31, 1995	0%	17.81%
January 1, 1996, through —June 30, 1996	0%	17.80%
July 1, 1996, through —June 30, 1998	0%	17.20%
July 1, 1998, through —June 30, 1999	0%	14.64%
July 1, 1999, through —June 30, 2000	0%	11.53%
Effective July 1, 2000 —	0%	11.74%
Effective July 1, 2001	0%	12.55%

Section 4. Paragraph (b) of subsection (12) of section 121.40, Florida Statutes, is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(12) CONTRIBUTIONS.—

(b) The monthly contributions required to be paid pursuant to paragraph (a) on the gross monthly salaries, from all sources with

respect to such employment, paid to those employees of the institute who hold both state and federal appointments and who participate in the federal Civil Service Retirement System shall be as follows:

Dates of Contribution Rate Changes	Percentage Due
July 1, 1985, through December 31, 1988	6.68%
January 1, 1989, through December 31, 1993	6.35%
January 1, 1994, through December 31, 1994	6.69%
January 1, 1995, through June 30, 1996	6.82%
July 1, 1996, through June 30, 1998	5.64%
Effective July 1, 1998, through June 30, 2001	7.17%
Effective July 1, 2001	6.96%

Section 5. Paragraph (a) of subsection (4) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(4) CONTRIBUTIONS.—

(a) *Through June 30, 2001*, each employer shall contribute on behalf of each participant in the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a regular member of the Florida Retirement System *defined benefit program*, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The department shall deduct, less an amount approved by the Legislature which shall be deducted by the department* to provide for the administration of this program. The payment of the contributions to the optional program which is required by this paragraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) shall not be forwarded to a company and shall not begin to accrue interest until the employee has executed an annuity contract and notified the department.

Section 6. Paragraph (c) of subsection (2) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(c) Employees of members of the Florida Community College System or charter technical career centers sponsored by members of the Florida Community College System, as designated in s. 240.3031, who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and in s. 240.3195 may elect, in lieu of participating in the Florida Retirement System, to withdraw from the Florida Retirement System altogether and participate in a lifetime monthly annuity program, to be known as the State Community College System Optional Retirement Program, which may be provided by the employing agency under s. 240.3195. Pursuant thereto:

1. *Through June 30, 2001*, the cost to the employer for such annuity shall equal the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the Regular Class *defined benefit program*, plus the portion of the contribution rate required by s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The employer shall deduct, and less an amount approved by the employer* to provide for the administration of the optional retirement program. The employer

providing such annuity shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in such an optional retirement program shall be irrevocable for as long as the employee holds a position eligible for participation. Any service creditable under the Florida Retirement System shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Florida Retirement System shall not be earned while a member of the optional retirement program.

3. Participation in an optional annuity program shall be limited to those employees who satisfy the following eligibility criteria:

a. The employee must be otherwise eligible for membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12).

b. The employee must be employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management, if a community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and:

(A) The duties and responsibilities of the position include either the formulation, interpretation, or implementation of policies; or

(B) The duties and responsibilities of the position include the performance of functions that are unique or specialized within higher education and that frequently involve the support of the mission of the community college.

c. The employee must be employed in a position not included in the Senior Management Service Class of the Florida Retirement System, as described in s. 121.055.

4. Participants in the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions as are applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively.

5. Eligible community college employees shall be compulsory members of the Florida Retirement System until, pursuant to the procedures set forth in s. 240.3195, the first day of the next full calendar month following the filing of both a written election to withdraw and a completed application for an individual contract or certificate with the program administrator and receipt of such election by the division.

Section 7. Paragraph (d) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(6)

(d) Contributions.—

1. *Through June 30, 2001*, each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a Senior Management Service Class member of the Florida Retirement System *defined benefit program*, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 12.49 percent of the participant's gross monthly compensation. The department shall deduct, less an amount*

approved by the Legislature which shall be deducted by the department to provide for the administration of this program. The payment of the contributions to the optional program which is required by this subparagraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

2. Each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program participants, and to transfer the unfunded liability portion of the state optional annuity program contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and each participant, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each participant in the Senior Management Service retirement program and shall be in addition to the retirement contributions specified in this paragraph.

5. Each participant in the Senior Management Service Optional Annuity Program may contribute by way of salary reduction or deduction a percentage amount of the participant's gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the participant's contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

Section 8. Paragraph (a) of subsection (4) of section 240.3195, Florida Statutes, is amended to read:

240.3195 State Community College System Optional Retirement Program.—Each community college may implement an optional retirement program, if such program is established therefor pursuant to s. 240.319(4)(r), under which annuity contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual community college or by a consortium of community colleges.

(4)(a) *Through June 30, 2001*, each college must contribute on behalf of each program participant an amount equal to the normal cost portion of the employer retirement contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System as provided in s. 121.071, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001*, each college must contribute on behalf of each program participant an amount equal to 10.43 percent of the participant's gross monthly compensation. The college shall deduct, and less an amount approved by the community college to provide for the administration of the optional retirement program. Payment of this contribution must be made either directly by the community college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(b) Each community college must contribute on behalf of each program participant an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System. Payment of this contribution must be made

directly by the college to the department for deposit in the Florida Retirement System Trust Fund.

(c) Each program participant who has executed an annuity contract may contribute by way of salary reduction or deduction a percentage of the program participant's gross compensation, but this percentage may not exceed the corresponding percentage contributed by the community college to the optional retirement program. Payment of this contribution may be made either directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(d) Contributions to an optional retirement program by a college or a program participant are in addition to, and have no effect upon, contributions required now or in future by the federal Social Security Act.

Section 9. (1) *It is the intent of the Legislature that the normal costs attributable to the actuarial experience study and six-year vesting as determined by Milliman & Robertson, Inc., consulting actuaries for the system, shall be funded by recognition of a lump sum from the excess actuarial assets of the Florida Retirement System Trust Fund. For fiscal year 2001-2002, the lump sum to be recognized shall be the annual cost attributable to the actuarial experience study and six-year vesting.*

(2) *Effective July 1, 2001, for fiscal year 2001-2002 only, the contribution rates set forth in sections 1 through 3 of this act shall be reduced as follows:*

(a) *The contribution rate that applies to the Regular Class of the Florida Retirement System defined benefit program shall be reduced by 0.70 percentage points.*

(b) *The contribution rate that applies to the Special Risk Class of the Florida Retirement System defined benefit program shall be reduced by 1.72 percentage points.*

(c) *The contribution rate that applies to the Special Risk Administrative Support Class of the Florida Retirement System defined benefit program shall be reduced by 0.81 percentage points.*

(d) *The contribution rate that applies to the Judicial subclass of the Elected Officers' Class of the Florida Retirement System defined benefit program shall be reduced by 0.14 percentage points.*

(e) *The contribution rate that applies to the legislative-attorney-Cabinet subclass of the Elected Officers' Class of the Florida Retirement System defined benefit program shall be reduced by 0.83 percentage points.*

(f) *The contribution rate that applies to the County Officers' subclass of the Elected Officers' Class of the Florida Retirement System defined benefit program shall be reduced by 0.56 percentage points.*

(g) *The contribution rate that applies to the Senior Management Service Class of the Florida Retirement System defined benefit program shall be reduced by 0.54 percentage points.*

Section 10. (1) *Effective July 1, 2001, for fiscal year 2001-2002 only, the contribution rates for the defined benefit program for the Regular Class, Special Risk Class, Special Risk Administrative Support Class, each subclass of the Elected Officers' Class, and the Senior Management Service Class each shall be reduced by 3.02 percentage points. These reductions shall be in addition to all other changes to such contribution rates which may be enacted into law after July 1, 2001.*

(2) *It is the intent of the Legislature that the costs attributable to the reduction of contribution rates pursuant to subsection (1) shall be funded by recognition of a lump sum equal to the annual cost attributable to this reduction of the contribution rates from the excess actuarial assets of the Florida Retirement System Trust Fund.*

Section 11. *Section 20 of chapter 2000-169, Laws of Florida, is repealed.*

Section 12. *The Legislature finds that a proper and legitimate state purpose is served when employees, officers, and retirees of the state and*

of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees, officers, and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14 of Art. X of the State Constitution and part VII of chapter 112 of the Florida Statutes. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.

Section 13. Paragraph (f) is added to subsection (8) of section 112.363, Florida Statutes, to read:

112.363 Retiree health insurance subsidy.—

(8) CONTRIBUTIONS.—For purposes of funding the insurance subsidy provided by this section:

(f) Beginning July 1, 2001, the employer of each member of a state-administered plan shall contribute 1.11 percent of gross compensation each pay period.

Such contributions shall be submitted to the Department of Management Services and deposited in the Retiree Health Insurance Subsidy Trust Fund.

Section 14. Paragraph (c) of subsection (7) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(7) CONTRIBUTIONS.—

(c) The following table states the required employer contribution on behalf of each member of the Elected Officers' Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
Effective July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 15. Paragraph (c) of subsection (3) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(3)

(c) The following table states the required employer contribution on behalf of each member of the Senior Management Service Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%

Dates of Contribution Rate Changes	Contribution Rate
January 1, 1995, through June 30, 1998	0.66%
Effective July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 16. Subsection (4) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(4) The following table states the required employer contribution on behalf of each member of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
Effective July 1, 1998, through June 30, 2001	0.94%
Effective July 1, 2001	1.11%

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 17. Subsection (4) of section 121.571, Florida Statutes, is amended to read:

121.571 Contributions.—Contributions to the Public Employee Optional Retirement Program shall be made as follows:

(4) CONTRIBUTIONS FOR SOCIAL SECURITY COVERAGE AND FOR RETIREE HEALTH INSURANCE SUBSIDY.—Contributions required under this section shall be in addition to employer and member contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund as provided in ss. 112.363, 121.052, 121.055, and ~~ss.~~ 121.071, as appropriate.

Section 18. *The Legislature finds that a proper and legitimate state purpose is served when employees, officers, and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees, officers, and retirees, are extended the basic protections afforded governmental retirement systems that provide fair and adequate benefits, including health insurance subsidies, and that are managed, administered, and funded in a reasonable manner. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.*

Section 19. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess

actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; amending s. 112.363, 121.052, 121.055, and 121.071, F.S.; changing the employer contribution for the retiree health insurance subsidy; amending s. 121.571, F.S.; adding cross references; providing a finding of important state interest; providing an effective date.

On motion by Rep. Lacasa, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 1821. The vote was:

Session Vote Sequence: 512

Yeas—119

The Chair	Clarke	Hogan	Negron
Alexander	Crow	Holloway	Paul
Allen	Cusack	Jennings	Peterman
Andrews	Davis	Johnson	Pickens
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kosmas	Ross
Ball	Fields	Kottkamp	Rubio
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Ryan
Bean	Frankel	Lacasa	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	

Nays—None

Votes after roll call:

Yeas—Kilmer

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 822, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senator Dyer—

CS for SB 822—A bill to be entitled An act relating to government accountability and legal proceedings; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 287.058, F.S.; clarifying current requirement that contractor on certain state contracts must allow access to public records unless the records are exempt; amending s. 287.059, F.S.; providing additional requirements for

contracts for private attorney services; providing requirements for contingency fee contracts; providing for binding arbitration in fee disputes; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; creating s. 60.08, F.S.; providing for injunctions without bond when sought by the state or its agencies; amending s. 16.01, F.S.; clarifying that certain provisions are not intended to authorize the joinder of the Attorney General as party; amending s. 48.121, F.S.; clarifying that the section is not intended to authorize the joinder of the Attorney General or a state attorney as a party; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved which may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising provisions relating to the reporting and handling of claims by the Department of Insurance covered by the State Risk Management Trust Fund; amending s. 45.051, F.S.; authorizing the Division of Risk Management to enter into indemnification agreements for supersedeas bonds; amending s. 11.40, F.S.; authorizing the Legislative Auditing Committee to direct the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct audits, reviews, and examinations of certain entities; authorizing the Legislative Auditing Committee to conduct investigations; authorizing the Legislative Auditing Committee to hold hearings; amending s. 11.42, F.S.; revising the requirements to become Auditor General; transferring report requirement; revising the employment restrictions for employees of the Auditor General; exempting the Auditor General from certain provisions; amending s. 11.45, F.S.; revising definitions; providing for duties of the Auditor General; transferring certain district school board authority; transferring the requirement that a charter school provide for an annual financial audit; transferring the requirement that certain district school boards have certain financial audits; providing for authority of the Auditor General; providing for scheduling and staffing of audits conducted by the Auditor General; requiring the Legislative Auditing Committee to direct an audit of a municipality by the Auditor General under certain circumstances; authorizing a local governmental entity to request an audit by the Auditor General; transferring the requirement that the Office of Program Policy Analysis and Government Accountability maintain a schedule of performance audits; deleting the requirement that the Office of Program Policy Analysis and Government Accountability identify and comment upon certain alternatives in conducting a performance audit; transferring a report distribution requirement; transferring the annual financial auditing provisions related to local governmental entities; transferring the auditor selection procedures for local governmental entities, district school boards, and charter schools; transferring the penalty provisions for failure to file an annual financial audit; providing for Auditor General reporting requirements; transferring the penalty provisions for failure by a local governmental entity to pay for the cost of an audit by the Auditor General; transferring the Legislative Auditing Committee's authority to conduct investigations; deleting the content required within an audit report issued by the Auditor General; deleting the requirement that an agency head must file a report; deleting a report issued by the Auditor General and the Office of Program Policy Analysis and Government Accountability; transferring the authority for district school boards and district boards of trustees of community colleges for performance audits and financial audits; amending s. 11.47, F.S.; requiring certain officers to provide the Office of Program Policy Analysis and Government Accountability with information; requiring the staff of the Office of Program Policy Analysis and Government Accountability to make proper examinations; providing criminal penalties for false reports; providing penalties for persons who fail to provide the Office of Program Policy Analysis and Government Accountability with records; amending s. 11.51, F.S.; redefining the duties of the office; eliminating the provision requiring the Auditor General to provide administrative support for the office;

requiring the office to maintain a schedule of examinations; providing authority to the office to examine certain programs; requiring the office to deliver preliminary findings; providing deadlines for responses to preliminary findings; requiring the office to conduct followup reports; amending s. 11.511, F.S.; redefining the duties of the director of the Office of Program Policy Analysis and Government Accountability; revising employment restrictions for the office staff; providing for postponement of examinations; amending s. 11.513, F.S.; correcting cross references; transferring the authority of the Legislative Auditing Committee; transferring and rewording the authority of the director of the Office of Program Policy Analysis and Government Accountability to postpone projects; amending ss. 14.29, 20.2551, 288.1226, 320.08058, and 943.2569, F.S.; providing for audits of programs; amending s. 20.055, F.S.; transferring the review of state agencies' internal audit reports conducted by the Auditor General; providing responsibilities to agencies' inspectors general; amending ss. 24.105, 39.202, 119.07, 195.084, 213.053, 944.719, and 948.15, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; amending s. 24.120, F.S.; requiring the Department of the Lottery to provide access to the facilities of the department to the Office of Program Policy Analysis and Government Accountability; amending s. 27.3455, F.S.; deleting a reporting requirement; correcting cross references; amending ss. 30.51, 116.07, 122.03, 122.08, 145.022, 145.14, 154.331, 206.60, 212.08, 290.0056, 403.864, 657.008, and 946.31, F.S.; deleting obsolete provisions; amending ss. 110.109, 216.177, 216.178, 216.292, 334.0445, and 985.311, F.S.; designating the Office of Program Policy Analysis and Government Accountability as a recipient of information; amending s. 112.313, F.S.; expanding the definition of employees subject to postemployment restrictions to include the director of the Office of Program Policy Analysis and Government Accountability; amending s. 112.324, F.S.; expanding the list of persons subject to consequences regarding a breach of public trust to include the director and staff of the Office of Program Policy Analysis and Government Accountability; amending ss. 112.63, 175.261, 185.221, 189.4035, 189.412, 189.418, 189.419, 215.94, 230.23025, and 311.07, F.S.; correcting cross references; amending s. 125.01, F.S.; deleting a requirement that the Auditor General retain county audit reports for a specific period of time; amending ss. 154.11, 253.025, and 259.041, F.S.; revising provisions related to the Auditor General; amending s. 163.356, F.S.; deleting the Auditor General from the list of entities receiving a report from a community redevelopment agency; amending s. 189.428, F.S.; revising the criteria to be utilized by a local government conducting an oversight review of a special district; amending ss. 193.074 and 196.101, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; amending ss. 195.096, 228.056, 228.505, 455.32, and 471.038, F.S.; revising provisions related to certain audits; amending s. 215.44, F.S.; deleting the requirement that the Auditor General annually audit the State Board of Administration; revising provisions related to an examination by the Office of Program Policy Analysis and Government Accountability; creating s. 215.86, F.S.; providing for management systems and controls for state agencies; creating s. 215.98, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending ss. 229.8021, 237.40, 240.299, 240.2995, 240.331, 240.3315, 240.5285, 240.711, 250.115, 266.0018, 267.17, 288.1229, 288.809, 372.0215, 413.615, 413.87, 446.609, 944.802, 960.002, and 985.4145, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending s. 218.31, F.S.; providing additional definitions; amending s. 218.32, F.S.; providing that certain entities file an audit report with the Department of Banking and Finance; correcting a cross reference; providing for the Department of Banking and Finance to prescribe the format of local governmental entities that are required to provide for certain audits; transferring the penalty provisions relating to failure of a local governmental entity to file an annual financial report with the Department of Banking and Finance; amending s. 218.33, F.S.; revising provisions related to the establishment of uniform accounting practices and procedures; amending s. 218.38, F.S.; transferring penalty provisions for failure to verify or provide information to the Division of Bond Finance within the State Board of Administration; creating s. 218.39, F.S.; providing for audits of local governmental entities, district school boards, charter

schools, and charter technical career centers; providing for the format of county audits; authorizing dependent special districts to be included within the audit of a county or municipality; prohibiting an independent special district from being included within the audit of a county or municipality; providing for a management letter within each audit report; providing for discussion of the auditor's findings and recommendations; providing for a response to the auditor's findings and recommendations; requiring that a predecessor auditor of a district school board provide the Auditor General with access to the prior year's working papers; requiring certain audits to be conducted in accordance with rules adopted by the Auditor General; creating s. 218.391, F.S.; providing for auditor selection procedures; amending s. 218.415, F.S.; correcting a cross reference; transferring responsibilities of the Auditor General; transferring penalty provisions; amending s. 228.093, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access records; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; requiring the office to destroy personally identifiable data under certain circumstances; amending s. 230.23, F.S.; authorizing school boards to employ an internal auditor; authorizing school boards to hire independent certified public accountants; amending s. 240.214, F.S.; clarifying that accountability reports are to be designed in consultation with the Office of Program Policy Analysis and Government Accountability; amending s. 240.311, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; creating s. 240.3631, F.S.; authorizing district boards of trustees of community colleges to hire an independent certified public accountant to conduct audits; amending s. 240.512, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; requiring the office to maintain confidentiality; amending s. 240.551, F.S.; providing for audits of direct-support organizations; deleting a paragraph which provides for audits of direct-support organizations; amending ss. 240.609, 288.9517, 296.17, 296.41, 403.1826, 550.125, 601.15, and 744.708, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to examine programs; amending s. 290.015, F.S.; providing responsibilities to the Office of Program Policy Analysis and Government Accountability regarding the Florida Enterprise Zone Act of 1994; amending ss. 320.023, 320.08062, and 322.081, F.S.; deleting provisions related to audits of certain organizations; requiring annual attestations of certain organizations; transferring the Auditor General's authority to conduct audits; amending s. 339.406, F.S.; revising provisions related to audits of transportation corporations; providing the Department of Transportation and the Auditor General with the authority to conduct audits of transportation corporations; amending s. 365.171, F.S.; revising the provision related to auditing the 911 fees; correcting a cross reference; amending s. 373.45926, F.S.; replacing certain terms; amending s. 373.507, F.S.; deleting an obsolete provision; correcting a cross reference; providing for the distribution of audits of water management districts; amending ss. 402.73, 411.01, and 413.88, F.S.; deleting provisions related to an audit by the Auditor General; amending s. 403.8532, F.S.; replacing certain terms; amending s. 411.221, F.S.; adding reports issued by the Office of Program Policy Analysis and Government Accountability to the information considered in strategic plan revisions; amending s. 570.903, F.S.; transferring the authority for certain direct-support organizations to conduct business; providing for audits of direct-support organizations; amending s. 616.263, F.S.; providing the Auditor General with the authority to conduct audits; amending s. 943.25, F.S.; providing for the conduct of audits of the criminal justice trust fund; amending s. 944.512, F.S.; providing that certain costs are to be certified by a prosecuting attorney and an imprisoning entity and subject to review by the Auditor General; amending s. 957.07, F.S.; providing responsibilities for the Department of Corrections and the Auditor General; amending ss. 957.11 and 985.416, F.S.; transferring duties from the Auditor General to the Office of Program Policy Analysis and Government Accountability; repealing s. 11.149, F.S., relating to nonapplication of certain provisions to the Legislative Auditing Committee or the Auditor General; repealing s. 11.46, F.S., relating to accounting procedures; repealing s. 125.901(2)(e),

F.S., relating to audits of independent special districts related to children's services; repealing ss. 215.56005(2)(1), 216.2815, 228.053(11), 228.082(6), 253.037(3), 288.906(2), 288.9616, 298.65, 348.69, 374.987(3), 380.510(8), 400.335, 403.1837(14), 440.49(14)(i), and 517.1204(14), F.S., relating to authority of the Auditor General to conduct audits; repealing s. 218.415(23), F.S., relating to local government investments; repealing s. 265.607, F.S., relating to audits of local cultural sponsoring organizations; repealing s. 331.419(3), F.S.; deleting obsolete provisions; repealing s. 339.413, F.S., relating to audits of transportation corporations; repealing s. 373.589, F.S., relating to audits of water management districts; repealing s. 388.331, F.S., relating to audits of mosquito control districts and mosquito control programs; repealing ss. 570.912, 581.195, 589.013, and 590.612, F.S., relating to direct support organizations within the Department of Agriculture; amending s. 189.4042, F.S.; providing that an inactive independent special district that was created by a county or municipality through a referendum may be dissolved by the county or municipality after publication of notice as required for the declaration of the inactive status of a special district; amending s. 189.4044, F.S.; reducing the number of weeks such notice of declaration of inactive status must be published; amending s. 189.418, F.S.; providing that a dependent special district may only be budgeted separately with concurrence of the local governing authority upon which said dependent special district is dependent; deleting a requirement that the proposed budget of an independent special district located in one county be filed with the county; deleting requirements for each special district to file certain reports, information, and audits with the local governing authority; amending s. 189.419, F.S., to conform; amending s. 189.429, F.S.; providing the effect of the reenactment of existing law pursuant to the required codification of a special district charter; repealing s. 218.34, F.S., which provides for special district financial matters; amending s. 121.055, F.S.; providing for mandatory participation of assistant attorneys general in the Senior Management Service Class; providing an appropriation; providing for severability; providing an effective date.

—was read the first time by title. On motion by Rep. Mack, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 513

Yeas—119

The Chair	Cantens	Hart	Meadows
Alexander	Carassas	Henriquez	Mealor
Allen	Clarke	Heyman	Melvin
Andrews	Crow	Hogan	Miller
Argenziano	Cusack	Holloway	Murman
Arza	Davis	Jennings	Needelman
Attkisson	Detert	Johnson	Negron
Atwater	Diaz de la Portilla	Jordan	Paul
Ausley	Diaz-Balart	Joyner	Peterman
Baker	Dockery	Justice	Pickens
Ball	Farkas	Kallinger	Prieguez
Barreiro	Fasano	Kendrick	Rich
Baxley	Fields	Kilmer	Richardson
Bean	Fiorentino	Kosmas	Ritter
Bendross-Mindingall	Flanagan	Kottkamp	Romeo
Bennett	Frankel	Kravitz	Ross
Bense	Gannon	Kyle	Rubio
Benson	Garcia	Lacasa	Russell
Berfield	Gardiner	Lee	Ryan
Betancourt	Gelber	Lerner	Seiler
Bilirakis	Gibson	Littlefield	Simmons
Bowen	Goodlette	Lynn	Siplin
Brown	Gottlieb	Machek	Slosberg
Brummer	Green	Mack	Smith
Brutus	Greenstein	Mahon	Sobel
Bucher	Haridopolos	Mayfield	Sorensen
Bullard	Harper	Maygarden	Spratt
Byrd	Harrell	McGriff	Stansel

Trovillion	Waters	Wiles	Wishner
Wallace	Weissman	Wilson	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate returns as requested HB 1861.

Faye W. Blanton, Secretary

HB 1861—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

Reconsideration of HB 1861

On motion by Rep. Green, the House reconsidered the vote by which **HB 1861** passed, as amended, on May 3.

The question recurred on the passage of HB 1861.

Representative(s) Green offered the following:

(Amendment Bar Code: 515247)

Amendment 3—On page 3, line 4, remove from the bill: all of said line

and insert in lieu thereof:
SB 1202 or similar legislation is adopted in the same

Rep. Green moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 1861. The vote was:

Session Vote Sequence: 514

Yeas—116

The Chair	Byrd	Harrington	Meadows
Alexander	Cantens	Hart	Mealor
Allen	Carassas	Henriquez	Melvin
Andrews	Clarke	Heyman	Miller
Argenziano	Crow	Hogan	Murman
Arza	Cusack	Holloway	Needelman
Attkisson	Davis	Jennings	Negron
Atwater	Detert	Johnson	Paul
Ausley	Diaz de la Portilla	Jordan	Peterman
Baker	Diaz-Balart	Joyner	Pickens
Ball	Dockery	Justice	Prieguez
Barreiro	Farkas	Kallinger	Rich
Baxley	Fields	Kendrick	Richardson
Bean	Fiorentino	Kilmer	Ritter
Bendross-Mindingall	Flanagan	Kottkamp	Romeo
Bennett	Gannon	Kravitz	Ross
Bense	Garcia	Kyle	Rubio
Benson	Gardiner	Lacasa	Russell
Berfield	Gelber	Lee	Ryan
Betancourt	Gibson	Lerner	Seiler
Bilirakis	Goodlette	Littlefield	Simmons
Bowen	Gottlieb	Lynn	Siplin
Brown	Green	Machek	Slosberg
Brummer	Greenstein	Mack	Smith
Brutus	Haridopolos	Mahon	Sobel
Bucher	Harper	Mayfield	Sorensen
Bullard	Harrell	McGriff	Spratt

Stansel
Trovillion

Wallace
Waters

Weissman
Wiles

Wilson
Wishner

Romeo
Ross
Rubio
Russell
Ryan

Seiler
Simmons
Siplin
Slosberg
Smith

Sorensen
Spratt
Stansel
Trovillion
Wallace

Waters
Weissman
Wiles
Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2074, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Natural Resources and Senator Brown-Waite—

CS for SB 2074—A bill to be entitled An act relating to environmental control; amending s. 403.813, F.S.; providing an exemption from permitting requirements for the removal of organic detrital material from certain freshwater rivers or lakes; providing exemption from permits for certain floating vessel platforms; requiring the Department of Environmental Protection to adopt a general permit by rule for floating vessel platforms after January 1, 2002, which meet certain conditions; providing an effective date.

—was read the first time by title. On motion by Rep. Argenziano, the rules were waived and the bill was read the second time by title.

Representative(s) Argenziano offered the following:

(Amendment Bar Code: 102733)

Amendment 1—On page 11, line 16-22, remove from the bill: all of said lines

and insert in lieu thereof:

9. *No activity may occur any farther waterward of the ordinary high water line than 100 feet and all activities must be designed and conducted in a manner that will not unreasonably restrict or infringe upon the riparian rights of the upland riparian owners.*

Rep. Argenziano moved the adoption of the amendment, which was adopted.

On motion by Rep. Argenziano, the rules were waived and CS for SB 2074, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 515

Yeas—107

The Chair	Brown	Gibson	Kottkamp
Alexander	Brummer	Goodlette	Kravitz
Allen	Brutus	Gottlieb	Kyle
Andrews	Bucher	Green	Lacasa
Argenziano	Bullard	Haridopolos	Lee
Arza	Byrd	Harper	Littlefield
Attkisson	Cantens	Harrell	Lynn
Atwater	Carassas	Harrington	Machek
Ausley	Clarke	Hart	Mack
Baker	Crow	Henriquez	Mahon
Ball	Davis	Heyman	McGriff
Barreiro	Detert	Hogan	Meadows
Baxley	Diaz de la Portilla	Holloway	Mealor
Bean	Diaz-Balart	Jennings	Miller
Bendross-Mindingall	Dockery	Johnson	Murman
Bennett	Farkas	Jordan	Needelman
Bense	Fields	Joyner	Negron
Benson	Flanagan	Justice	Paul
Berfield	Gannon	Kallinger	Pickens
Betancourt	Garcia	Kendrick	Prieguez
Bilirakis	Gardiner	Kilmer	Richardson
Bowen	Gelber	Kosmas	Ritter

Nays—6

Cusack
Frankel

Lerner
Peterman

Rich

Sobel

Votes after roll call:

Yeas—Greenstein, Maygarden, Melvin

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1872 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Finance and Taxation and Senator Carlton—

CS for SB 1872—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

—was read the first time by title. On motion by Rep. Pickens, the rules were waived and the bill was read the second time by title.

Representative(s) Pickens offered the following:

(Amendment Bar Code: 255065)

Amendment 1—On page 2, line 3 after the period, insert:

If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

Rep. Pickens moved the adoption of the amendment, which was adopted.

On motion by Rep. Pickens, the rules were waived and CS for SB 1872, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 516

Yeas—117

The Chair	Bense	Davis	Gottlieb
Alexander	Benson	Detert	Green
Allen	Berfield	Diaz de la Portilla	Greenstein
Andrews	Betancourt	Diaz-Balart	Haridopolos
Argenziano	Bilirakis	Dockery	Harper
Arza	Bowen	Farkas	Harrell
Attkisson	Brown	Fasano	Harrington
Atwater	Brummer	Fields	Hart
Ausley	Brutus	Fiorentino	Henriquez
Baker	Bucher	Flanagan	Heyman
Ball	Bullard	Frankel	Holloway
Barreiro	Cantens	Gannon	Jennings
Baxley	Carassas	Garcia	Johnson
Bean	Clarke	Gardiner	Jordan
Bendross-Mindingall	Crow	Gelber	Joyner
Bennett	Cusack	Gibson	Justice

Kallinger	Mahon	Prieguez	Sobel
Kendrick	Mayfield	Rich	Sorensen
Kilmer	Maygarden	Richardson	Spratt
Kosmas	McGriff	Ritter	Stansel
Kottkamp	Meadows	Romeo	Trovillion
Kravitz	Mealor	Ross	Wallace
Kyle	Melvin	Rubio	Waters
Lacasa	Miller	Russell	Weissman
Lee	Murman	Ryan	Wiles
Lerner	Needelman	Seiler	Wilson
Littlefield	Negron	Simmons	Wishner
Lynn	Paul	Siplin	
Machek	Peterman	Slosberg	
Mack	Pickens	Smith	

Nays—1

Goodlette

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Goodlette, the rules were waived and the House agreed to move to bill lists that were generated from the Calendar pursuant to the Special Rule and then return to Messages from the Senate.

CS for CS for SB 856—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; providing an effective date.

On motion by Rep. Meadows, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 517

Yeas—102

The Chair	Berfield	Davis	Gelber
Alexander	Betancourt	Detert	Gibson
Andrews	Bilirakis	Diaz de la Portilla	Gottlieb
Argenziano	Brown	Diaz-Balart	Green
Arza	Brummer	Dockery	Greenstein
Attkisson	Brutus	Farkas	Harper
Atwater	Bucher	Fasano	Harrington
Ausley	Bullard	Fields	Hart
Ball	Cantens	Flanagan	Henriquez
Bean	Carassas	Frankel	Heyman
Bendross-Mindingall	Clarke	Gannon	Holloway
Bennett	Crow	Garcia	Jennings
Benson	Cusack	Gardiner	Jordan

Joyner	Mahon	Pickens	Smith
Justice	Mayfield	Rich	Sobel
Kendrick	Maygarden	Richardson	Sorensen
Kilmer	McGriff	Ritter	Spratt
Kosmas	Meadows	Romeo	Stansel
Kravitz	Mealor	Ross	Trovillion
Lacasa	Melvin	Rubio	Waters
Lee	Miller	Russell	Weissman
Lerner	Murman	Ryan	Wiles
Littlefield	Needelman	Seiler	Wilson
Lynn	Negron	Simmons	Wishner
Machek	Paul	Siplin	
Mack	Peterman	Slosberg	

Nays—13

Baker	Byrd	Johnson	Kyle
Barreiro	Goodlette	Kallinger	Prieguez
Baxley	Haridopolos	Kottkamp	Wallace
Bense			

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Byrd, the House agreed to move to HB 351, SB 304, return to Second Reading List Number 2, and then return to Messages from the Senate.

Bills and Joint Resolutions on Second Reading

SB 304—A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term “employee,” for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing for funding costs of the deferred compensation plan; providing an effective date.

—was read the second time by title.

Representative(s) Mayfield offered the following:

(Amendment Bar Code: 311735)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 112.215, Florida Statutes, is amended to read:

112.215 Government employees; deferred compensation program.—

(1) This section shall be known and may be cited as the “Government Employees’ Deferred Compensation Plan Act.”

(2) For the purposes of this section, the term “employee” means any person, whether appointed, elected, or under contract, providing services for the state; any state agency or county or other political subdivision of the state; ~~or~~ any municipality; *or any constitutional county officer under s. 1(d), Article VIII of the State Constitution for which compensation or statutory fees are paid.*

(3) In accordance with a plan of deferred compensation which has been approved as herein provided, the state or any state agency, county, municipality, ~~or~~ other political subdivision, *or constitutional county officer* may, by contract or a collective bargaining agreement, agree with any employee to defer all or any portion of that employee’s otherwise payable compensation and, pursuant to the terms of such approved plan and in such proportions as may be designated or directed under that plan, place such deferred compensation in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or such other investment products as may have been approved for the purposes of carrying out the

objectives of such plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws and regulations by persons who are duly authorized by applicable state and federal authorities.

(4)(a) The Treasurer, with the approval of the State Board of Administration, shall establish such plan or plans of deferred compensation for state employees, including all such investment vehicles or products incident thereto, as may be available through, or offered by, qualified companies or persons, and may approve one or more such plans for implementation by and on behalf of the state and its agencies and employees.

(b) If the Treasurer deems it advisable, he or she shall have the power, with the approval of the State Board of Administration, to create a trust or other special funds for the segregation of funds or assets resulting from compensation deferred at the request of employees of the state or its agencies and for the administration of such program.

(c) The Treasurer, with the approval of the State Board of Administration, may delegate responsibility for administration of the plan to a person the Treasurer determines to be qualified, compensate such person, and, directly or through such person or pursuant to a collective bargaining agreement, contract with a private corporation or institution to provide such services as may be part of any such plan or as may be deemed necessary or proper by the Treasurer or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, asset purchase, control, and safekeeping, and direct disbursement of funds to employees or other beneficiaries. The Treasurer may authorize a person, private corporation, or institution to make direct disbursement of funds under the plan to an employee or other beneficiary only upon the order of the Comptroller to the Treasurer.

(d) In accordance with such approved plan, and upon contract or agreement with an eligible employee, deferrals of compensation may be accomplished by payroll deductions made by the appropriate officer or officers of the state, with such funds being thereafter held and administered in accordance with the plan.

(5) Any county, municipality, or other political subdivision of the state may by ordinance, *and any constitutional county officer under s. 1(d), Article VIII of the State Constitution of 1968 may by contract agreement or other documentation constituting approval*, adopt and establish for itself and its employees a deferred compensation program. The ordinance shall designate an appropriate official of the county, municipality, or political subdivision to approve and administer a deferred compensation plan or otherwise provide for such approval and administration. The ordinance shall also designate a public official or body to make the determinations provided for in paragraph (6)(b). *If a constitutional county officer elects to adopt and establish for that office and its employees a deferred compensation program, the constitutional county officer shall be the appropriate official to make the determinations provided for in this subsection and in paragraph (6)(b).*

(6)(a) No deferred compensation plan of the state shall become effective until approved by the State Board of Administration and the Treasurer is satisfied by opinion from such federal agency or agencies as may be deemed necessary that the compensation deferred thereunder and/or the investment products purchased pursuant to the plan will not be included in the employee's taxable income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the state retirement system, and for any other retirement, pension, or benefit program established by law.

(b) No deferred compensation plan of a county, municipality, ~~or~~ other political subdivision, *or constitutional county officer* shall become effective until the appropriate official or body designated *under subsection (5)* ~~by ordinance~~ is satisfied by opinion from such federal agency or agencies as may be deemed necessary that the compensation deferred thereunder and/or the investment products purchased pursuant to the plan will not be included in the employee's taxable

income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the retirement system of the appropriate county, municipality, ~~or~~ political subdivision, *or constitutional county officer*, and for any other retirement, pension, or benefit program established by law.

(7) The deferred compensation programs authorized by this section, and any plan approved and adopted as herein provided, shall exist and serve in addition to any other retirement, pension, or benefit systems established by the state or its agencies, counties, municipalities, ~~or~~ other political subdivisions, *or constitutional county officers* and shall not supersede, make inoperative, or reduce any benefits provided by the Florida Retirement System or by another retirement, pension, or benefit program established by law. All records identifying individual participants in any plan under this section and their personal account activities shall be confidential and are exempt from the provisions of s. 119.07(1).

(8)(a) There is hereby created a Deferred Compensation Advisory Council composed of seven members.

1. One member shall be appointed by the Speaker of the House of Representatives and the President of the Senate jointly and shall be an employee of the legislative branch.

2. One member shall be appointed by the Chief Justice of the Supreme Court and shall be an employee of the judicial branch.

3. One member shall be appointed by the chair of the Public Employees Relations Commission and shall be a nonexempt public employee.

4. The remaining four members shall be employed by the executive branch and shall be appointed as follows:

a. One member shall be appointed by the Chancellor of the State University System and shall be an employee of the university system.

b. One member shall be appointed by the Treasurer and shall be an employee of the Treasurer.

c. One member shall be appointed by the Governor and shall be an employee of the executive branch.

d. One member shall be appointed by the Comptroller and shall be an employee of the Comptroller.

(b) Each member shall serve 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) Members shall elect a chair annually.

(d) The council shall meet at the call of its chair, at the request of a majority of its membership, or at the request of the Treasurer, but not less than twice a year. The business of the council shall be presented to the council in the form of an agenda. The agenda shall be set by the Treasurer and shall include items of business requested by the council members.

(e) A majority of the members shall constitute a quorum, and action by a majority of a quorum shall be official.

(f) The council shall make a report of each meeting to the Treasurer, which shall show the names of the members present and shall include a record of its discussions, recommendations, and actions taken. The Treasurer shall keep the records of the proceedings of each meeting on file and shall make the records available to any interested person or group.

(g) 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.

(h) The advisory council shall provide assistance and recommendations to the Treasurer relating to the provisions of the plan,

the insurance or investment options to be offered under the plan, and any other contracts or appointments deemed necessary by the council and the Treasurer to carry out the provisions of this act. The Treasurer shall inform the council of the manner in which each council recommendation is being addressed. The Treasurer shall provide the council, at least annually, a report on the status of the deferred compensation program, including, but not limited to, information on participant enrollment, amount of compensation deferred, total plan assets, product provider performance, and participant satisfaction with the program.

(9) The purchase of any insurance contract or annuity or the investment in another investment option under any plan of deferred compensation provided for in the United States Internal Revenue Code and not prohibited under the laws of this state for an employee shall impose no liability or responsibility whatsoever on the state, county, municipality, or other political subdivision, or constitutional county officer, except to show that the payments have been remitted for the purposes for which the compensation has been deferred.

(10)(a) The moneys, pensions, annuities, or other benefits accrued or accruing to any person under the provisions of any plan providing for the deferral of compensation and the accumulated contributions and the cash and securities in the funds created thereunder are hereby exempt from any state, county, or municipal tax. They shall not be subject to execution or attachment or to any legal process whatsoever by a creditor of the employee and shall be unassignable by the employee.

(b)1. There is created in the State Treasury the Deferred Compensation Trust Fund, through which the Treasurer as trustee shall hold moneys, pensions, annuities, or other benefits accrued or accruing under and pursuant to 26 U.S.C. s. 457 and the deferred compensation plan provided for therein and adopted by this state; and

- a. All amounts of compensation deferred thereunder;
- b. All property and rights purchased with such amounts; and
- c. All income attributable to such amounts, property, or rights.

2. Notwithstanding the mandates of 26 U.S.C. s. 457(b)(6), all of the assets specified in subparagraph 1. shall be held in trust for the exclusive benefit of participants and their beneficiaries as mandated by 26 U.S.C. s. 457(g)(1).

(11) With respect to any funds held pursuant to a deferred compensation plan, any plan provider which is a bank or savings association and which provides time deposit accounts and certificates of deposit as an investment product to the plan participants may, with the approval of the State Board of Administration for providers in the state plan, or with the approval of the appropriate official or body designated under subsection (5) by ordinance for a plan of a county, municipality, or other political subdivision, or constitutional county officer plan, be exempt from the provisions of chapter 280 requiring it to be a qualified public depository, provided:

(a) The bank or savings association shall, to the extent that the time deposit accounts or certificates of deposit are not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, pledge collateral with the Treasurer for all state funds held by it under a deferred compensation plan, or with such other appropriate official for all public funds held by it under a deferred compensation plan of a county, municipality, or other political subdivision, or constitutional county officer, in an amount which equals at least 150 percent of all uninsured deferred compensation funds then held.

(b) Said collateral shall be of the kind permitted by s. 280.13 and shall be pledged in the manner provided for by the applicable provisions of chapter 280.

The Treasurer shall have all the applicable powers provided in ss. 280.04, 280.05, and 280.08 relating to the sale or other disposition of the pledged collateral.

(12) The Treasurer may adopt any rule necessary to administer and implement this act with respect to deferred compensation plans for state employees.

(13) This subsection may not impair an existing contract. In each county that has one or more constitutional county officers, the board of county commissioners and the constitutional county officers shall negotiate a joint deferred compensation program for all their respective employees under s. 163.01. If all parties to the negotiation cannot agree upon a joint deferred compensation program, the provisions of subsection (5) apply.

Section 2. This act shall take effect October 1, 2001.

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 deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term "employee," for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing an effective date.

Rep. Mayfield moved the adoption of the amendment, which was adopted.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 883957)

Amendment 2 (with title amendment)—On page 1, line 18, insert:

Section 1. Section 24 of chapter 2000-237, Laws of Florida, is amended to read:

Section 24. This act shall take effect upon becoming a law, except for section 8 of this act, which shall take effect July 1, 2003 ~~2001~~.

And the title is amended as follows:

On page 1, line 3, after "employees"

insert: and to the judiciary; amending s. 24 of ch. 2000-237, Laws of Florida, to revise the effective date thereof

Rep. Byrd moved the adoption of the amendment, which was adopted.

On motion by Rep. Mayfield, the rules were waived and SB 304, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 518

Yeas—118

The Chair	Benson	Detert	Greenstein
Alexander	Berfield	Diaz de la Portilla	Haridopolos
Allen	Betancourt	Diaz-Balart	Harper
Andrews	Bilirakis	Dockery	Harrell
Argenziano	Bowen	Farkas	Harrington
Arza	Brown	Fasano	Hart
Attkisson	Brummer	Fields	Henriquez
Atwater	Brutus	Flanagan	Heyman
Ausley	Bucher	Frankel	Hogan
Baker	Bullard	Gannon	Holloway
Ball	Byrd	Garcia	Johnson
Barreiro	Cantens	Gardiner	Jordan
Baxley	Carassas	Gelber	Joyner
Bean	Clarke	Gibson	Justice
Bendross-Mindingall	Crow	Goodlette	Kallinger
Bennett	Cusack	Gottlieb	Kendrick
Bense	Davis	Green	Kilmer

Kosmas	Maygarden	Rich	Sobel
Kottkamp	McGriff	Richardson	Sorensen
Kravitz	Meadows	Ritter	Spratt
Kyle	Mealor	Romeo	Stansel
Lacasa	Melvin	Ross	Trovillion
Lee	Miller	Rubio	Wallace
Lerner	Murman	Russell	Waters
Littlefield	Needelman	Ryan	Weissman
Lynn	Negron	Seiler	Wiles
Machek	Paul	Simmons	Wilson
Mack	Peterman	Siplin	Wishner
Mahon	Pickens	Slosberg	
Mayfield	Prieguez	Smith	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

Consideration of **CS for SB 1256** was temporarily postponed under Rule 11.10.

On motion by Rep. Ritter, the rules were waived by the required two-thirds vote and—

SB 2342—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale; providing for annexation of the unincorporated area known as Melrose Park; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing legislative intent; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title.

REPRESENTATIVE BALL IN THE CHAIR

On motion by Rep. Ritter the rules were waived and SB 2342 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 519

Yeas—110

The Chair	Carassas	Harrington	Meadows
Alexander	Clarke	Henriquez	Mealor
Allen	Crow	Heyman	Murman
Andrews	Cusack	Hogan	Needelman
Argenziano	Davis	Holloway	Negron
Arza	Detert	Jennings	Paul
Attkisson	Diaz de la Portilla	Johnson	Peterman
Atwater	Diaz-Balart	Jordan	Pickens
Ausley	Dockery	Joyner	Prieguez
Baker	Farkas	Justice	Rich
Barreiro	Feeney	Kallinger	Richardson
Baxley	Fields	Kendrick	Ritter
Bean	Flanagan	Kosmas	Romeo
Bendross-Mindingall	Frankel	Kottkamp	Ross
Bennett	Gannon	Kravitz	Rubio
Benson	Garcia	Kyle	Ryan
Berfield	Gardiner	Lacasa	Seiler
Betancourt	Gelber	Lee	Simmons
Bilirakis	Gibson	Lerner	Siplin
Bowen	Goodlette	Littlefield	Slosberg
Brown	Gottlieb	Lynn	Smith
Brummer	Green	Machek	Sobel
Brutus	Greenstein	Mack	Sorensen
Bucher	Haridopolos	Mahon	Spratt
Bullard	Harper	Mayfield	Stansel
Byrd	Harrell	McGriff	Trovillion

Wallace	Weissman	Wilson	Wishner
Waters	Wiles		

Nays—None

Votes after roll call:

Yeas—Bense, Miller, Russell

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Green, the rules were waived by the required two-thirds vote and—

CS for SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting imposition of the sentence of death if the court determines that the defendant has mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant has mental retardation; providing that the sentence of death may not be imposed if the court finds by clear and convincing evidence that the defendant has mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury’s recommendation for life imprisonment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

—was read the second time by title. On motion by Rep. Green, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 520

Yeas—110

The Chair	Crow	Holloway	Peterman
Alexander	Cusack	Jennings	Pickens
Allen	Davis	Johnson	Prieguez
Andrews	Detert	Jordan	Rich
Argenziano	Diaz de la Portilla	Joyner	Richardson
Arza	Diaz-Balart	Justice	Ritter
Attkisson	Dockery	Kallinger	Romeo
Ausley	Farkas	Kendrick	Ross
Barreiro	Fasano	Kilmer	Rubio
Baxley	Feeney	Kosmas	Russell
Bean	Fields	Kottkamp	Ryan
Bendross-Mindingall	Flanagan	Lacasa	Seiler
Bennett	Frankel	Lee	Siplin
Bense	Gannon	Lerner	Slosberg
Benson	Gardiner	Littlefield	Smith
Berfield	Gelber	Lynn	Sobel
Betancourt	Gibson	Machek	Sorensen
Bilirakis	Goodlette	Mahon	Spratt
Bowen	Gottlieb	Mayfield	Stansel
Brown	Green	Maygarden	Trovillion
Brummer	Greenstein	McGriff	Wallace
Brutus	Haridopolos	Meadows	Waters
Bucher	Harper	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	
Clarke	Hogan	Negron	

Nays—1

Baker

Votes after roll call:

Yeas—Harrell

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Greenstein, the rules were waived by the required two-thirds vote and—

CS for SB 1256—A bill to be entitled An act relating to nursing education; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the Legislature an implementation plan detailing the impact and cost of any such proposed rule change; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children’s hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing an effective date.

—was read the second time by title. On motion by Rep. Greenstein, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 521

Yeas—117

The Chair	Davis	Johnson	Peterman
Alexander	Detert	Jordan	Pickens
Allen	Diaz de la Portilla	Joyner	Prieguez
Andrews	Diaz-Balart	Justice	Rich
Argenziano	Dockery	Kallinger	Richardson
Arza	Farkas	Kendrick	Ritter
Attkisson	Fasano	Kilmer	Romeo
Ausley	Feeney	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner
Clarke	Hogan	Needelman	
Crow	Holloway	Negron	
Cusack	Jennings	Paul	

Nays—1

Barreiro

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

On motion by Rep. Bendross-Mindingall the rules were waived by the required two-thirds vote and—

CS for SB 84—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy; providing an effective date.

—was read the second time by title.

Representative(s) Ball and Bendross-Mindingall offered the following:

(Amendment Bar Code: 632353)

Amendment 1 (with title amendment)—
remove from the bill: everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) *By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.*

Section 2. Subsection (3) is added to section 30.15, Florida Statutes, to read:

30.15 Powers, duties, and obligations.—

(3) *On or before January 1, 2002, every sheriff shall incorporate an antiracial or other antidiscriminatory profiling policy into the sheriff’s policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.*

Section 3. Section 166.0493, Florida Statutes, is created to read:

166.0493 Powers, duties, and obligations of municipal law enforcement agencies.—On or before January 1, 2002, every municipal law enforcement agency shall incorporate an antiracial or other antidiscriminatory profiling policy into the agency’s policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

Section 4. 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 law enforcement; amending s. 943.1758, F.S.; providing that instruction in interpersonal skills relating to diverse populations shall consist of a module developed by the Criminal Justice Standards and Training Commission on the topic of discriminatory profiling; amending ss. 30.15 and 166.0493, F.S.; requiring sheriffs and municipal law enforcement agencies to incorporate antiracial or other antidiscriminatory profiling policies into their policies and practices; providing guidelines and requirements for such policies; providing an effective date.

Rep. Ball moved the adoption of the amendment, which was adopted.

On motion by Rep. Bendross-Mindingall, the rules were waived and CS for SB 84, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 522

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Flanagan	Kravitz	Ryan
Barreiro	Frankel	Lacasa	Seiler
Baxley	Gannon	Lee	Simmons
Bean	Garcia	Lerner	Siplin
Bendross-Mindingall	Gardiner	Littlefield	Slosberg
Bennett	Gelber	Lynn	Smith
Bense	Gibson	Machek	Sobel
Benson	Goodlette	Mack	Sorensen
Berfield	Gottlieb	Mahon	Spratt
Betancourt	Green	Mayfield	Stansel
Bilirakis	Greenstein	Maygarden	Trovillion
Bowen	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

Bills and Joint Resolutions on Second Reading

HB 301—A bill to be entitled An act relating to the testing of inmates for HIV; creating ss. 944.6025 and 957.055, F.S.; defining the term “HIV test”; requiring the Department of Corrections and contractors operating private correctional facilities under the Correctional Privatization Commission to perform HIV tests on inmates prior to an inmate’s release; authorizing HIV testing of inmates upon the request of a physician; requiring certain recordkeeping; requiring provision of additional services prior to an inmate’s release; requiring notification of the county health department where the inmate will reside when an inmate who has received a positive HIV test result is released unexpectedly; limiting access to HIV test results; providing an effective date.

—was read the second time by title.

The Committee on State Administration offered the following:

(Amendment Bar Code: 280397)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 945.355, Florida Statutes, is created to read:

945.355 HIV testing of inmates prior to release.—

(1) As used in this section, the term “HIV test” means a test ordered to determine the presence of the antibody or antigen to human immunodeficiency virus or the presence of human immunodeficiency virus infection.

(2) Pursuant to s. 381.004(3), the department shall perform an HIV test on an inmate whose HIV status is unknown to the department not less than 60 days prior to the inmate’s presumptive release date from prison by reason of parole, accumulation of gain-time credits, or expiration of sentence. An inmate who is known to the department to be HIV positive or who has been tested within the previous year and does not request retesting need not be tested under this section, but is subject to subsections (4) and (5). However, an inmate who is released due to an emergency is exempt from the provisions of this section.

(3) The department shall record the results of the HIV test in the inmate’s medical record.

(4) Pursuant to ss. 381.004(3) and 945.10, the department shall notify the Department of Health and the county health department where the inmate plans to reside regarding an inmate who is known to be HIV positive or has received an HIV positive test result under this section prior to the release of that inmate.

(5) Prior to the release of an inmate who is known to be HIV positive or who has received a positive HIV test result under this section, the department shall provide special transitional assistance to the inmate, which must include:

(a) Education on preventing the transmission of HIV to others and on the importance of receiving followup care and treatment.

(b) A written, individualized discharge plan that includes referrals and contacts to the county health department and local HIV primary care services in the area where the inmate plans to reside.

(c) If appropriate, a 30-day supply of all medicines the inmate is taking at the time of release.

(6) The department shall report to the Legislature by March 1, 2002, as to the implementation of this program and the participation by inmates and staff.

Section 2. Paragraph (a) of subsection (1) of section 945.10, Florida Statutes, is reenacted, and subsection (2) of said section is amended, to read:

945.10 Confidential information.—

(1) Except as otherwise provided by law or in this section, the following records and information of the Department of Corrections are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Mental health, medical, or substance abuse records of an inmate or an offender.

(2) The records and information specified in paragraphs (1)(a)-(h) ~~(1)(b)-(h)~~ may be released as follows unless expressly prohibited by federal law:

(a) Information specified in paragraphs (1)(b), (d), and (f) to the Office of the Governor, the Legislature, the Parole Commission, the Department of Children and Family Services, a private correctional facility or program that operates under a contract, the Department of Legal Affairs, a state attorney, the court, or a law enforcement agency. A request for records or information pursuant to this paragraph need not be in writing.

(b) Information specified in paragraphs (1)(c), (e), and (h) to the Office of the Governor, the Legislature, the Parole Commission, the Department of Children and Family Services, a private correctional facility or program that operates under contract, the Department of Legal Affairs, a state attorney, the court, or a law enforcement agency. A request for records or information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

(c) Information specified in paragraph (1)(b) to an attorney representing an inmate under sentence of death, except those portions of the records containing a victim’s statement or address, or the statement or address of a relative of the victim. A request for records of

information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

(d) Information specified in paragraph (1)(b) to a public defender representing a defendant, except those portions of the records containing a victim's statement or address, or the statement or address of a relative of the victim. A request for records or information pursuant to this paragraph need not be in writing.

(e) Information specified in paragraph (1)(b) to state or local governmental agencies. A request for records or information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

(f) Information specified in paragraph (1)(b) to a person conducting legitimate research. A request for records and information pursuant to this paragraph must be in writing, the person requesting the records or information must sign a confidentiality agreement, and the department must approve the request in writing.

(g) *Information specified in paragraph (1)(a) to the Department of Health and the county health department where an inmate plans to reside if he or she has tested positive for the presence of the antibody or antigen to human immunodeficiency virus infection pursuant to s. 945.355.*

Records and information released under this subsection remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution when held by the receiving person or entity.

Section 3. Paragraph (h) of subsection (3) of section 381.004, Florida Statutes, is amended to read:

381.004 HIV testing.—

(3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(h) Notwithstanding the provisions of paragraph (a), informed consent is not required:

1. When testing for sexually transmissible diseases is required by state or federal law, or by rule including the following situations:

a. HIV testing pursuant to s. 796.08 of persons convicted of prostitution or of procuring another to commit prostitution.

b. *HIV testing of inmates pursuant to s. 945.355 prior to their release from prison by reason of parole, accumulation of gain-time credits, or expiration of sentence.*

c. Testing for HIV by a medical examiner in accordance with s. 406.11.

2. Those exceptions provided for blood, plasma, organs, skin, semen, or other human tissue pursuant to s. 381.0041.

3. For the performance of an HIV-related test by licensed medical personnel in bona fide medical emergencies when the test results are necessary for medical diagnostic purposes to provide appropriate emergency care or treatment to the person being tested and the patient is unable to consent, as supported by documentation in the medical record. Notification of test results in accordance with paragraph (c) is required.

4. For the performance of an HIV-related test by licensed medical personnel for medical diagnosis of acute illness where, in the opinion of the attending physician, obtaining informed consent would be detrimental to the patient, as supported by documentation in the medical record, and the test results are necessary for medical diagnostic purposes to provide appropriate care or treatment to the person being tested. Notification of test results in accordance with paragraph (c) is required if it would not be detrimental to the patient. This subparagraph does not authorize the routine testing of patients for HIV infection without informed consent.

5. When HIV testing is performed as part of an autopsy for which consent was obtained pursuant to s. 872.04.

6. For the performance of an HIV test upon a defendant pursuant to the victim's request in a prosecution for any type of sexual battery where a blood sample is taken from the defendant voluntarily, pursuant to court order for any purpose, or pursuant to the provisions of s. 775.0877, s. 951.27, or s. 960.003; however, the results of any HIV test performed shall be disclosed solely to the victim and the defendant, except as provided in ss. 775.0877, 951.27, and 960.003.

7. When an HIV test is mandated by court order.

8. For epidemiological research pursuant to s. 381.0032, for research consistent with institutional review boards created by 45 C.F.R. part 46, or for the performance of an HIV-related test for the purpose of research, if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.

9. When human tissue is collected lawfully without the consent of the donor for corneal removal as authorized by s. 732.9185 or enucleation of the eyes as authorized by s. 732.919.

10. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice and where a blood sample is available that was taken from that individual voluntarily by medical personnel for other purposes. The term "medical personnel" includes a licensed or certified health care professional; an employee of a health care professional or health care facility; employees of a laboratory licensed under chapter 483; personnel of a blood bank or plasma center; a medical student or other student who is receiving training as a health care professional at a health care facility; and a paramedic or emergency medical technician certified by the department to perform life-support procedures under s. 401.23.

a. Prior to performance of an HIV test on a voluntarily obtained blood sample, the individual from whom the blood was obtained shall be requested to consent to the performance of the test and to the release of the results. The individual's refusal to consent and all information concerning the performance of an HIV test and any HIV test result shall be documented only in the medical personnel's record unless the individual gives written consent to entering this information on the individual's medical record.

b. Reasonable attempts to locate the individual and to obtain consent shall be made and all attempts must be documented. If the individual cannot be found, an HIV test may be conducted on the available blood sample. If the individual does not voluntarily consent to the performance of an HIV test, the individual shall be informed that an HIV test will be performed, and counseling shall be furnished as provided in this section. However, HIV testing shall be conducted only after a licensed physician documents, in the medical record of the medical personnel, that there has been a significant exposure and that, in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel.

c. Costs of any HIV test of a blood sample performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment shall not be borne by the medical personnel or the employer of the medical personnel.

d. In order to utilize the provisions of this subparagraph, the medical personnel must either be tested for HIV pursuant to this section or provide the results of an HIV test taken within 6 months prior to the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

f. If the source of the exposure will not voluntarily submit to HIV testing and a blood sample is not available, the medical personnel or the employer of such person acting on behalf of the employee may seek a court order directing the source of the exposure to submit to HIV testing. A sworn statement by a physician licensed under chapter 458 or chapter 459 that a significant exposure has occurred and that, in the physician's medical judgment, testing is medically necessary to determine the course of treatment constitutes probable cause for the issuance of an order by the court. The results of the test shall be released to the source of the exposure and to the person who experienced the exposure.

11. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice of the medical personnel while the medical personnel provides emergency medical treatment to the individual; or who comes into contact with nonmedical personnel in such a way that a significant exposure has occurred while the nonmedical personnel provides emergency medical assistance during a medical emergency. For the purposes of this subparagraph, a medical emergency means an emergency medical condition outside of a hospital or health care facility that provides physician care. The test may be performed only during the course of treatment for the medical emergency.

a. An individual who is capable of providing consent shall be requested to consent to an HIV test prior to the testing. The individual's refusal to consent, and all information concerning the performance of an HIV test and its result, shall be documented only in the medical personnel's record unless the individual gives written consent to entering this information on the individual's medical record.

b. HIV testing shall be conducted only after a licensed physician documents, in the medical record of the medical personnel or nonmedical personnel, that there has been a significant exposure and that, in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel or nonmedical personnel.

c. Costs of any HIV test performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment shall not be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel.

d. In order to utilize the provisions of this subparagraph, the medical personnel or nonmedical personnel shall be tested for HIV pursuant to this section or shall provide the results of an HIV test taken within 6 months prior to the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

f. If the source of the exposure will not voluntarily submit to HIV testing and a blood sample was not obtained during treatment for the medical emergency, the medical personnel, the employer of the medical personnel acting on behalf of the employee, or the nonmedical personnel may seek a court order directing the source of the exposure to submit to HIV testing. A sworn statement by a physician licensed under chapter 458 or chapter 459 that a significant exposure has occurred and that, in the physician's medical judgment, testing is medically necessary to determine the course of treatment constitutes probable cause for the issuance of an order by the court. The results of the test shall be released to the source of the exposure and to the person who experienced the exposure.

12. For the performance of an HIV test by the medical examiner or attending physician upon an individual who expired or could not be resuscitated while receiving emergency medical assistance or care and who was the source of a significant exposure to medical or nonmedical personnel providing such assistance or care.

a. HIV testing may be conducted only after a licensed physician documents in the medical record of the medical personnel or nonmedical personnel that there has been a significant exposure and that, in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel or nonmedical personnel.

b. Costs of any HIV test performed under this subparagraph may not be charged to the deceased or to the family of the deceased person.

c. For the provisions of this subparagraph to be applicable, the medical personnel or nonmedical personnel must be tested for HIV under this section or must provide the results of an HIV test taken within 6 months before the significant exposure if such test results are negative.

d. A person who receives the results of an HIV test pursuant to this subparagraph shall comply with paragraph (e).

13. For the performance of an HIV-related test medically indicated by licensed medical personnel for medical diagnosis of a hospitalized infant as necessary to provide appropriate care and treatment of the infant when, after a reasonable attempt, a parent cannot be contacted to provide consent. The medical records of the infant shall reflect the reason consent of the parent was not initially obtained. Test results shall be provided to the parent when the parent is located.

14. For the performance of HIV testing conducted to monitor the clinical progress of a patient previously diagnosed to be HIV positive.

15. For the performance of repeated HIV testing conducted to monitor possible conversion from a significant exposure.

Section 4. Section 944.704, Florida Statutes, is amended to read:

944.704 Staff who provide transition assistance; duties.—The department shall provide a transition assistance officer at major institutions whose duties include, but are not limited to:

- (1) Coordinating delivery of transition assistance program services at the institution.
- (2) Assisting in the development of each inmate's postrelease plan.
- (3) Obtaining job placement information for transmittal to the Department of Labor and Employment Security.
- (4) Providing a photo identification card to all inmates prior to their release.
- (5) *Providing a written medical discharge plan, referral to a county health department, and, if appropriate, a supply of prescribed medication for an inmate known to be HIV positive or who has received an HIV positive test result under s. 945.355.*

Section 5. This act shall take effect July 1, 2001.

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 testing of inmates for HIV; creating s. 945.355, F.S.; defining the term "HIV test"; requiring the Department of Corrections to perform an HIV test before an inmate is released if the inmate's HIV status is unknown; providing certain exceptions; requiring that the Department of Corrections notify the county health department where the inmate plans to reside following release if the inmate is HIV positive; requiring the department to provide special transitional assistance to an inmate who is HIV positive; requiring the department to report to the Legislature; amending s. 945.10, F.S.; requiring certain medical records be released to the Department of Health and the county health department where an inmate who is HIV positive plans to reside; reenacting s. 945.10(1)(a), F.S., relating to mental health, medical, or substance abuse records of an inmate; amending s. 381.004, F.S.; providing that informed consent is not required for an HIV test of an inmate prior to the inmate's release; amending s. 944.704, F.S.; providing additional duties for the department with respect to transition assistance for inmates who are HIV positive; providing an effective date.

WHEREAS, HIV and AIDS infections are one of the state's most critical challenges, with Florida having the third highest number of AIDS cases in the nation and the second highest number of pediatric AIDS cases, and

WHEREAS, the prevalence of HIV and AIDS cases in the state's prisons exceeds the prevalence of HIV and AIDS in the general population, and

WHEREAS, between 1989 and 1997, death due to AIDS accounted for over half of inmate deaths in the state's prisons, and

WHEREAS, recent advances in treatment for HIV and AIDS can potentially reduce the number of opportunistic infections and associated medical costs and delay the onset of death due to the disease, and

WHEREAS, referral to appropriate medical and social services upon the release of an inmate can play a crucial role in the treatment, care, and secondary prevention efforts, NOW, THEREFORE,

Rep. Wilson moved the adoption of the amendment.

REPRESENTATIVE BALL IN THE CHAIR

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 355499)

Amendment 1 to Amendment 1—On page 13, line 1, remove from the amendment: all said lines

and insert in lieu thereof:

Section 5. This act shall be contingent upon funding being made available.

Section 6. This act shall take effect October 1, 2001.

Rep. Wilson 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.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

CS/HB 239 was taken up. On motion by Rep. Allen, the rules were waived and SB 1412 was substituted for CS/HB 239. Under Rule 5.15, the House bill was laid on the table and—

SB 1412—A bill to be entitled An act relating to child restraint requirements; creating the Child Safety Booster Seat Act of 2001; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing for a phase-in period; providing effective dates.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

HB 1713—A bill to be entitled An act relating to state employee benefits; amending s. 110.12315, F.S.; removing the repeal date for the schedule of copayments under the state employees' prescription drug program; deleting obsolete language; clarifying language; amending s. 110.1239, F.S.; removing the repeal date for provisions relating to determining the level of premiums and funding for the state group health insurance program; providing an effective date.

—was read the second time by title.

Representative(s) Lacasa offered the following:

(Amendment Bar Code: 952433)

Amendment 1 (with title amendment)—On page 3, lines 14-15, remove from the bill: all of said lines

and insert in lieu thereof:

Section 3. Section 110.12316, Florida Statutes, is created to read:

110.12316 Prescription drug copayments for state-contracted health maintenance organizations.—Copayments for prescription drugs with health maintenance organizations participating in the state group insurance program shall be:

- (1) For generic drugs \$7.
(2) For preferred brand name drugs \$20.
(3) For nonpreferred brand name drugs \$35.

Section 4. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 11, remove from the title of the bill: all of said line

and insert in lieu thereof: creating s. 110.12316, F.S.; providing copayments for prescription drugs with health maintenance organizations; providing an effective date.

Rep. Lacasa moved the adoption of the amendment, which was adopted.

On motion by Rep. Lacasa, the rules were waived and HB 1713, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 523

Yeas—118

Table with 4 columns: The Chair, Cusack, Jennings, Paul; Alexander, Davis, Johnson, Peterman; Allen, Detert, Jordan, Pickens; Andrews, Diaz de la Portilla, Joyner, Prieguez; Argenziano, Diaz-Balart, Justice, Rich; Arza, Dockery, Kallinger, Richardson; Attkisson, Farkas, Kendrick, Ritter; Atwater, Fasano, Kilmer, Romeo; Ausley, Feeney, Kosmas, Ross; Baker, Fields, Kottkamp, Rubio; Barreiro, Flanagan, Kravitz, Russell; Baxley, Frankel, Kyle, Ryan; Bean, Gannon, Lacasa, Seiler; Bendross-Mindingall, Garcia, Lee, Simmons; Bennett, Gardiner, Lerner, Siplin; Bense, Gelber, Littlefield, Slosberg; Benson, Gibson, Lynn, Smith; Berfield, Goodlette, Machek, Sobel; Betancourt, Gottlieb, Mack, Sorensen; Bilirakis, Green, Mahon, Spratt; Bowen, Greenstein, Mayfield, Stansel; Brummer, Haridopolos, Maygarden, Trovillion; Brutus, Harper, McGriff, Wallace; Bucher, Harrell, Meadows, Waters; Bullard, Harrington, Mealor, Weissman; Byrd, Hart, Melvin, Wiles; Cantens, Henriquez, Miller, Wilson; Carassas, Heyman, Murman, Wishner; Clarke, Hogan, Needelman; Crow, Holloway, Negron

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

SB 958—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; provides for electronic submission; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession

regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

On motion by Rep. Miller, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 524

Yeas—115

Alexander	Crow	Jennings	Negron
Allen	Cusack	Johnson	Paul
Andrews	Davis	Jordan	Peterman
Argenziano	Detert	Joyner	Pickens
Arza	Diaz de la Portilla	Justice	Prieguez
Attkisson	Diaz-Balart	Kallinger	Rich
Atwater	Dockery	Kendrick	Richardson
Ausley	Farkas	Kilmer	Ritter
Baker	Fasano	Kosmas	Romeo
Ball	Fields	Kottkamp	Rubio
Barreiro	Frankel	Kravitz	Russell
Baxley	Gannon	Kyle	Ryan
Bean	Garcia	Lacasa	Seiler
Bendross-Mindingall	Gardiner	Lee	Simmons
Bennett	Gelber	Lerner	Siplin
Bense	Gibson	Littlefield	Slosberg
Benson	Goodlette	Lynn	Smith
Berfield	Gottlieb	Machek	Sobel
Betancourt	Green	Mack	Sorensen
Bilirakis	Greenstein	Mahon	Spratt
Bowen	Haridopolos	Mayfield	Stansel
Brummer	Harper	Maygarden	Trovillion
Brutus	Harrell	McGriff	Wallace
Bucher	Harrington	Meadows	Waters
Bullard	Hart	Mealor	Weissman
Byrd	Henriquez	Melvin	Wiles
Cantens	Heyman	Miller	Wilson
Carassas	Hogan	Murman	Wishner
Clarke	Holloway	Needelman	

Nays—1

Flanagan

Votes after roll call:

Nays to Yeas—Flanagan

So the bill passed and was immediately certified to the Senate.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 904 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health, Aging and Long-Term Care and Senators Garcia and Silver—

CS for SB 904—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to supplemental drug rebates; providing an exemption from the public meetings law for certain portions of meetings

of the Medicaid Pharmaceutical and Therapeutics Committee; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the first time by title. On motion by Rep. Maygarden, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 525

Yeas—114

Alexander	Cusack	Johnson	Paul
Allen	Davis	Jordan	Peterman
Andrews	Detert	Joyner	Pickens
Argenziano	Diaz de la Portilla	Justice	Prieguez
Arza	Diaz-Balart	Kallinger	Rich
Attkisson	Dockery	Kendrick	Richardson
Atwater	Farkas	Kilmer	Ritter
Ausley	Fasano	Kosmas	Romeo
Baker	Fields	Kottkamp	Ross
Ball	Flanagan	Kravitz	Rubio
Barreiro	Gannon	Kyle	Russell
Baxley	Garcia	Lacasa	Ryan
Bean	Gardiner	Lee	Seiler
Bendross-Mindingall	Gelber	Lerner	Simmons
Bennett	Gibson	Littlefield	Siplin
Bense	Goodlette	Lynn	Slosberg
Benson	Gottlieb	Machek	Smith
Berfield	Green	Mack	Sobel
Betancourt	Greenstein	Mahon	Sorensen
Bilirakis	Haridopolos	Mayfield	Spratt
Bowen	Harper	Maygarden	Stansel
Brummer	Harrell	McGriff	Trovillion
Brutus	Harrington	Meadows	Wallace
Bucher	Hart	Mealor	Waters
Bullard	Henriquez	Melvin	Wiles
Byrd	Heyman	Miller	Wilson
Cantens	Hogan	Murman	Wishner
Clarke	Holloway	Needelman	
Crow	Jennings	Negron	

Nays—3

Carassas Frankel Weissman

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1741, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1741—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 39.3065, F.S.; adding Seminole County to list of counties whose sheriffs provide protective investigative services; amending s. 393.063, F.S.; modifying the definition of “support coordinator” in provisions relating to developmental disabilities; amending s. 393.0651, F.S.; removing requirement for support coordinator review of individual or family support plans; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for transfer of certain funds to the Department of Children and Family Services for the prevention of domestic and sexual violence; repealing s. 402.185, F.S., relating to certification forward of certain unused funds of the Department of Children and Family Services; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Subsection (1) of section 414.045, Florida Statutes, is amended to read:

414.045 Cash assistance program.—Cash assistance families include any families receiving cash assistance payments from the state program for temporary assistance for needy families as defined in federal law, whether such funds are from federal funds, state funds, or commingled federal and state funds. Cash assistance families may also include families receiving cash assistance through a program defined as a separate state program.

(1) For reporting purposes, families receiving cash assistance shall be grouped ~~into in~~ the following categories. The department may develop additional groupings in order to comply with federal reporting requirements, to comply with the data-reporting needs of the board of directors of Workforce Florida, Inc., or to better inform the public of program progress. ~~Program reporting data shall include, but not necessarily be limited to, the following groupings:~~

(a) Work-eligible cases.—Work-eligible cases shall include:

1. Families containing an adult or a teen head of household, as defined by federal law. These cases are generally subject to the work activity requirements provided in s. 445.024 and the time limitations on benefits provided in s. 414.105.

2. Families with a parent where the parent's needs have been removed from the case due to sanction or disqualification shall be considered work-eligible cases to the extent that such cases are considered in the calculation of federal participation rates or would be counted in such calculation in future months.

3. Families participating in transition assistance programs.

4. Families otherwise eligible for temporary cash assistance that receive diversion services, a severance payment, or participate in the relocation program.

(b) Child-only cases.—Child-only cases include cases that do not have an adult or teen head of household as defined in federal law. Such cases include:

1. ~~Child-only families with~~ Children in the care of caretaker relatives where the caretaker relatives choose to have their needs excluded in the calculation of the amount of cash assistance.

2. Families in the Relative Caregiver Program as provided in s. 39.5085.

3. Families in which the only parent in a single-parent family or both parents in a two-parent family receive supplemental security income (SSI) benefits under Title XVI of the Social Security Act, as amended. To the extent permitted by federal law, individuals receiving SSI shall be excluded as household members in determining the amount of cash assistance, and such cases shall not be considered families containing an adult. Parents or caretaker relatives who are excluded from the cash assistance group due to receipt of SSI may choose to participate in work activities. An individual who volunteers to participate in work activity but whose ability to participate in work activities is limited shall be assigned to work activities consistent with such limitations. An individual who volunteers to participate in a work activity may receive child care or support services consistent with such participation.

4. Families where the only parent in a single-parent family or both parents in a two-parent family are not eligible for cash assistance due to immigration status or other ~~limitation requirements~~ of federal law. To the extent required by federal law, such cases shall not be considered families containing an adult.

5. *To the extent permitted by federal law and subject to appropriations, special needs children who have been adopted pursuant to s. 409.166 and whose adopting family qualifies as a needy family under the state program for temporary assistance for needy families.*

Notwithstanding any provision to the contrary in s. 414.075, s. 414.085, or s. 414.095, a family shall be considered a needy family if:

a. The family is determined by the department to have an income below 200 percent of the federal poverty level;

b. The family meets the requirements of s. 414.095(2) and (3) related to residence, citizenship, or eligible noncitizen status; and

c. The family provides any information that may be necessary to meet federal reporting requirements specified under Part A of Title IV of the Social Security Act.

Families described in subparagraph 1., subparagraph 2., or subparagraph 3. may receive child care assistance or other supports or services so that the children may continue to be cared for in their own homes or the homes of relatives. Such assistance or services may be funded from the temporary assistance for needy families block grant to the extent permitted under federal law and to the extent ~~funds have been provided in the General Appropriations Act permitted by~~ appropriation of funds.

Section 2. Section 409.1674, Florida Statutes, is created to read:

409.1674 It is the intent of the Legislature to improve services and local participation in community-based care initiatives by fostering community support and providing enhanced prevention and in-home services, thereby reducing the risk otherwise faced by lead agencies. There is established a community partnership matching grant program to be operated by the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for child welfare. Any children's services council or other local government entity that makes a financial commitment to a community-based care lead agency is eligible for a grant upon proof that the children's services council or local government entity has provided the selected lead agency at least \$825,000 in start-up funds, from any local resources otherwise available to it. The total amount of local contribution may be matched on a two-for-one basis up to a maximum amount of \$2 million per council. Awarded matching grant funds may be used for any prevention or in-home services provided by the children's services council or other local government entity that meets temporary-assistance-for-needy-families' eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system. To ensure necessary flexibility for the development, start-up, and ongoing operation of community-based care initiatives, the notice period required for any budget action authorized by the provisions of s. 20.19(5)(b), is waived for the family safety program; however, the Department of Children and Family Services must provide copies of all such actions to the Executive Office of the Governor and Legislature within 72 hours of their occurrence. Funding available for the matching grant program is subject to legislative appropriation of nonrecurring temporary-assistance-for-needy-families funds provided for the purpose. This sections expires July 1, 2002.

Section 3. Subsection (1) of section 938.01, Florida Statutes, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess \$3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be

earmarked to the Department of Law Enforcement and the Department of Community Affairs for distribution as follows:

1. Two dollars and seventy-five cents of each \$3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the *Department of Law Enforcement Operating Trust Fund* and shall be disbursed to the ~~Bureau of Public Safety Management of the Department of Law Enforcement Community Affairs.~~

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the *Department of Law Enforcement Operating Trust Fund* and shall be disbursed to the ~~Bureau of Public Safety Management of the Department of Law Enforcement Community Affairs.~~

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the *Department of Law Enforcement Operating Trust Fund* may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund until the following year.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with s. 943.25(9).

Section 4. Subsection (1) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(1) The Department of ~~Law Enforcement Community Affairs~~ may approve, for disbursement from the *Department of Law Enforcement Operating Trust Fund*, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds may not be made without specific legislative appropriation.

Section 5. *The criminal justice program of the Department of Community Affairs is transferred to the Department of Law Enforcement by a type two transfer, as defined in section 20.06, Florida Statutes. The criminal justice program so transferred is composed of the Byrne State and Local Law Enforcement Assistance Program, local law enforcement block grants, the Drug-Free Communities Program, residential substance-abuse treatment of state prisoners, the bulletproof vest program, the Guantanamo Bay Refugee and Entrant Assistance Program, the national criminal history improvement program, and the Violent Offender Incarceration and Truth-in-Sentencing Program.*

Section 6. *The Department of Law Enforcement may adopt rules necessary for the operation of the criminal justice program.*

Section 7. (1) *The Prevention of Domestic and Sexual Violence Program is transferred from the Department of Community Affairs to the Department of Children and Family Services by a type two transfer, as defined in section 20.06, Florida Statutes. The Domestic and Sexual Violence Program so transferred is composed of the Governor's Task Force on Domestic and Sexual Violence and the Violence Against Women Program.*

(2) *From the funds deposited into the Department of Law Enforcement Operating Trust Fund pursuant to section 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law Enforcement shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program transferred from the Department of Community Affairs. The amount of the transfer for fiscal year 2001-2002 shall be determined by the Governor's Office of Planning and Budgeting in consultation with the Department of Community Affairs, the Department of Law Enforcement, and the Department of Children*

and Family Services and shall be based on the historic use of these funds and current needs of the Prevention of Domestic and Sexual Violence Program. In subsequent years, the transfer of funds shall be based on the amount appropriated.

Section 8. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: An act to be entitled An act relating to children and family services and to criminal justice programs; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; creating s. 409.1674, F.S.; providing legislative intent; establishing the community partnership matching grant program to be operated by the Department of Children and Family Services to encourage local participation in community-based care for child welfare; providing conditions for obtaining grants; providing that funding is subject to legislative appropriation of nonrecurring temporary-assistance-for-needy-families funds; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain court-cost proceeds into the Department of Law Enforcement Operating Trust Fund; prescribing authorized uses of assets in such fund; transferring the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; providing for the latter department to adopt rules relating to the program; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing for funding the program; providing an effective date.

On motion by Rep. Maygarden, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 1741. The vote was:

Session Vote Sequence: 526

Yeas—110

The Chair	Clarke	Hogan	Paul
Alexander	Crow	Holloway	Peterman
Allen	Cusack	Jennings	Pickens
Andrews	Davis	Johnson	Prieguez
Arza	Detert	Jordan	Rich
Attkisson	Diaz de la Portilla	Joyner	Richardson
Atwater	Diaz-Balart	Justice	Ritter
Ausley	Dockery	Kallinger	Romeo
Baker	Farkas	Kendrick	Ross
Ball	Fasano	Kilmer	Rubio
Barreiro	Fields	Kosmas	Russell
Baxley	Flanagan	Kottkamp	Ryan
Bean	Frankel	Kravitz	Simmons
Bendross-Mindingall	Gannon	Kyle	Siplin
Bennett	Garcia	Lee	Slosberg
Bense	Gardiner	Lerner	Smith
Benson	Gelber	Lynn	Sobel
Berfield	Gibson	Machek	Sorensen
Betancourt	Goodlette	Mack	Spratt
Bilirakis	Gottlieb	Mahon	Stansel
Bowen	Green	Mayfield	Trovillion
Brummer	Greenstein	Maygarden	Wallace
Brutus	Haridopolos	McGriff	Weissman
Bucher	Harrell	Meadows	Wiles
Bullard	Harrington	Mealor	Wilson
Byrd	Hart	Melvin	Wishner
Cantens	Henriquez	Miller	
Carassas	Heyman	Needelman	

Nays—None

Votes after roll call:

Yeas—Argenziano, Harper, Littlefield, Seiler, Waters

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Recessed

The House recessed at 5:04 p.m., to reconvene at 5:20 p.m. today or upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 5:24 p.m. A quorum was present [Session Vote Sequence: 527].

On motion by Rep. Wilson, consideration of **HB 301** was temporarily postponed under Rule 11.10.

Bills and Joint Resolutions on Third Reading

CS for CS for SB 1180—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts; establishing criteria for private school eligibility; establishing obligations for program participants; providing for funding; authorizing the State Board of Education to adopt rules; providing an effective date.

—was read the third time by title.

Motion

Rep. Arza moved the previous question on the bill, which was agreed to.

The question recurred on the passage of CS for CS for SB 1180. The vote was:

Session Vote Sequence: 528

Yeas—76

The Chair	Cantens	Hart	Melvin
Alexander	Clarke	Hogan	Miller
Allen	Crow	Johnson	Murman
Andrews	Cusack	Jordan	Needelman
Argenziano	Davis	Kallinger	Negron
Arza	Detert	Kendrick	Paul
Attkisson	Diaz de la Portilla	Kilmer	Pickens
Atwater	Diaz-Balart	Kottkamp	Prieguez
Baker	Dockery	Kravitz	Ross
Ball	Farkas	Kyle	Rubio
Barreiro	Fasano	Lacasa	Russell
Baxley	Flanagan	Lee	Simmons
Bean	Garcia	Littlefield	Sorensen
Bennett	Gardiner	Lynn	Spratt
Bense	Gibson	Mack	Stansel
Benson	Goodlette	Mahon	Trovillion
Bowen	Haridopolos	Mayfield	Wallace
Brummer	Harrell	Maygarden	Waters
Byrd	Harrington	Mealor	Wilson

Nays—39

Ausley	Frankel	Justice	Romeo
Bendross-Mindingall	Gelber	Kosmas	Ryan
Berfield	Gottlieb	Lerner	Seiler
Betancourt	Greenstein	Machek	Siplin
Bilirakis	Harper	McGriff	Slosberg
Brutus	Henriquez	Meadows	Smith
Bucher	Heyman	Peterman	Sobel
Bullard	Holloway	Rich	Weissman
Carassas	Jennings	Richardson	Wishner
Fields	Joyner	Ritter	

Votes after roll call:

Nays—Gannon

Yeas to Nays—Crow, Cusack

So the bill passed, as amended, and was immediately certified to the Senate.

Consideration of HB 301

On motion by Rep. Wilson, the rules were waived by the required two-thirds vote and—

HB 301—A bill to be entitled An act relating to the testing of inmates for HIV; creating ss. 944.6025 and 957.055, F.S.; defining the term “HIV test”; requiring the Department of Corrections and contractors operating private correctional facilities under the Correctional Privatization Commission to perform HIV tests on inmates prior to an inmate’s release; authorizing HIV testing of inmates upon the request of a physician; requiring certain recordkeeping; requiring provision of additional services prior to an inmate’s release; requiring notification of the county health department where the inmate will reside when an inmate who has received a positive HIV test result is released unexpectedly; limiting access to HIV test results; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 529

Yeas—113

The Chair	Clarke	Hogan	Peterman
Alexander	Crow	Johnson	Pickens
Allen	Cusack	Joyner	Prieguez
Andrews	Davis	Justice	Rich
Argenziano	Detert	Kallinger	Richardson
Arza	Diaz de la Portilla	Kendrick	Ritter
Attkisson	Diaz-Balart	Kilmer	Romeo
Atwater	Dockery	Kosmas	Ross
Ausley	Farkas	Kottkamp	Rubio
Baker	Fasano	Kravitz	Russell
Ball	Fields	Kyle	Ryan
Barreiro	Flanagan	Lacasa	Seiler
Baxley	Frankel	Lee	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bennett	Gardiner	Lynn	Smith
Bense	Gelber	Machek	Sobel
Benson	Gibson	Mack	Sorensen
Berfield	Goodlette	Mahon	Spratt
Betancourt	Gottlieb	Mayfield	Stansel
Bilirakis	Green	Maygarden	Trovillion
Bowen	Greenstein	McGriff	Waters
Brummer	Haridopolos	Meadows	Weissman
Brutus	Harper	Melvin	Wiles
Bucher	Harrell	Miller	Wilson
Bullard	Harrington	Murman	Wishner
Byrd	Hart	Needelman	
Cantens	Henriquez	Negron	
Carassas	Heyman	Paul	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

REPRESENTATIVE BALL IN THE CHAIR

On motion by Rep. Byrd, the House moved to the consideration of CS for CS for SB 1672 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

CS for CS for SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program

in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

—was read the third time by title.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 453059)

Amendment 1 (with title amendment)—
Remove everything after the enacting clause

and insert in lieu thereof:

Section 1. *Legislative intent.*—*The purpose of the Passport to Economic Progress Act is to provide incentives and services designed to assist individuals who are recipients of temporary cash assistance or who are former recipients of temporary cash assistance generate family income levels that help foster the achievement and maintenance of economic self-sufficiency. It is the intent of the Legislature to create through this act a demonstration program for the provision of such incentives and services, with the goal of developing a model for the continued evolution and enhancement of the welfare-reform efforts of the state.*

Section 2. *Passport to Economic Progress demonstration program.*—

(1) **AUTHORIZATION.**—*Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Agency for Workforce Innovation, shall implement a Passport to Economic Progress demonstration program by November 1, 2001, consistent with the provisions of this section in Hillsborough and Manatee counties. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the department which serve the demonstration areas and must encourage community input into the implementation process.*

(2) **WAIVERS.**—*If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the demonstration program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the demonstration program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the demonstration program, the Department of Children and Family Services shall immediately request such waivers in accordance with section 414.175, Florida Statutes.*

(3) **INCOME DISREGARD.**—*In order to provide an additional incentive for employment, and notwithstanding the amount specified in section 414.095(12), Florida Statutes, for individuals residing in the areas designated for this demonstration program, the first \$300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of section 414.095(12), Florida Statutes, shall continue to apply to such individuals.*

(4) **TRANSITIONAL BENEFITS AND SERVICES.**—*In order to assist them in making the transition to economic self-sufficiency, former recipients of temporary cash assistance residing within the areas designated for this demonstration program shall be eligible for the following benefits and services:*

(a) *Notwithstanding the time period specified in section 445.030, Florida Statutes, transitional education and training support services as specified in section 445.030, Florida Statutes, for up to 4 years after the family is no longer receiving temporary cash assistance;*

(b) *Notwithstanding the time period specified in section 445.031, Florida Statutes, transitional transportation support services as specified in section 445.031, Florida Statutes, for up to 4 years after the family is no longer receiving temporary cash assistance; and*

(c) *Notwithstanding the time period specified in section 445.032, Florida Statutes, transitional child care as specified in section 445.032, Florida Statutes, for up to 4 years after the family is no longer receiving temporary cash assistance.*

All other provisions of sections 445.030, 445.031, and 445.032, Florida Statutes, shall apply to such individuals, as appropriate. This subsection does not constitute an entitlement to transitional benefits and services. If funds are insufficient to provide benefits and services under this subsection, the board of directors of Workforce Florida, Inc., may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

(5) **WAGE SUPPLEMENTATION.**—

(a) *The Legislature finds that:*

1. *There are former recipients of temporary cash assistance who are working full time but whose incomes are below the federal poverty level.*

2. *Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.*

3. *It is necessary to supplement the wages of such individuals for a limited period of time in order to assist them in fulfilling the transition to economic self-sufficiency.*

(b) *Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, shall create a transitional wage supplementation program by November 1, 2001, as a component of the Passport to Economic Progress demonstration program in the areas designated for the demonstration program. This wage supplementation program does not constitute an entitlement to wage supplementation. If funds appropriated are insufficient to provide wage supplementation, the board of directors of Workforce Florida, Inc., may limit wage supplementation or otherwise establish priorities for wage supplementation.*

(c) *To be eligible for wage supplementation under this subsection, an individual must:*

1. *Be a former recipient of temporary cash assistance who last received such assistance on or after January 1, 2000;*

2. *Be employed full time, which for the purposes of this subsection means employment averaging at least 32 hours per week; and*

3. *Have an average family income for the 6 months preceding the date of application for wage supplementation which is less than 100 percent of the federal poverty level.*

(d) *Workforce Florida, Inc., shall determine the schedule for the payment of wage supplementation under this subsection. An individual eligible for wage supplementation under this subsection may receive a payment that equals the amount necessary to bring the individual's total family income for the period covered by the payment to 100 percent of the federal poverty level. An individual may not receive wage supplementation payments for more than a total of 12 months.*

(e) *The wage supplementation program authorized by this subsection shall be administered through the regional workforce boards and the one-stop delivery system, under policy guidelines, criteria, and applications developed by Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation. To the maximum extent possible, the regional*

workforce boards shall use electronic debit card technologies to provide wage supplementation payments under this program.

(6) **EVALUATIONS AND RECOMMENDATIONS.**—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards in the areas designated for this demonstration program, shall conduct a comprehensive evaluation of the effectiveness of the demonstration program operated under this section. By January 1, 2003, Workforce Florida, Inc., shall submit a report on such evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include recommendations as to whether the demonstration program should be expanded to other service areas or statewide and whether the program should be revised to enhance its administration or effectiveness.

(7) **CONFLICTS.**—If there is a conflict between the implementation procedures described in this section and federal requirements and regulations, federal requirements and regulations shall control.

Section 3. *There is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services \$310,000 to provide funds for 9 months to implement the additional income disregard for fiscal year 2001-2002. There is appropriated from the Employment Security Administration Trust Fund to the Agency for Workforce Innovation \$3,222,500 to provide funds for 9 months to extend transitional benefits and services and to implement the wage supplementation program for fiscal year 2001-2002. The source of these funds is the Temporary Assistance for Needy Families block grant.*

Section 4. Paragraph (a) of subsection (3) and paragraph (a) of subsection (10) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, *at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1)*, and five representatives of organized labor who shall be appointed by the Governor. Notwithstanding s. 114.05(1)(f), the Governor may appoint remaining members to Workforce Florida, Inc., from the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board. By July 1, 2000, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board.

(10) The workforce development strategy for the state shall be designed by Workforce Florida, Inc., and shall be centered around the strategies of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. *A minimum of 15 percent of all Workforce Investment Act youth services funds shall be expended for after-school care programs, through contracts with qualified community-based organizations and faith-based*

organizations, on an equal basis with other private organizations, to provide after-school care programs to eligible children 14 through 18 years of age. These programs shall include academic tutoring, mentoring, and other appropriate services. Similar services may be provided for eligible children 6 through 13 years of age using Temporary Assistance for Needy Families funds. Funds expended under this paragraph may not be used for religious or sectarian purposes. To provide after-school care programs under this paragraph, a community-based organization or a faith-based organization must be a nonprofit organization that holds a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code or must be a religious organization that is not required to apply for recognition of its exemption from federal taxation under s. 501(c)(3) of the Internal Revenue Code.

Section 5. Subsection (1) of section 445.007, Florida Statutes, is amended to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor. Individuals serving as members of regional workforce development boards or local WAGES coalitions, as of June 30, 2000, are eligible for appointment to regional workforce boards, pursuant to this section. *It is the intent of the Legislature that, whenever possible and to the greatest extent practicable, membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), or that such persons be included as ex officio members of the board or of committees organized by the board.* The importance of minority and gender representation shall be considered when making appointments to the board. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

Section 6. *Legislative findings and intent; Digital Divide Council; powers and duties; program objectives and goals; review and assessment of program performances; annual report.*—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—*The Legislature finds as follows:*

(a) *Frequent access to use of information technology and possession of the knowledge and skills required to use information technology productively is becoming increasingly more important to being competitively qualified for high-skill, high-wage employment.*

(b) *The availability of reasonable opportunities to have frequent access to use of information technology and to obtain the education and training necessary to acquire the knowledge and skills required to use information technology productively is critical to becoming competitively qualified for high-skill, high-wage employment.*

(c) *Families that are living near or below the poverty level are without adequate economic resources to have reasonable opportunities to obtain frequent access to use of information technology or the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high-skill, high-wage employment.*

(d) *The absence of such economic resources divides such families from those who have adequate economic resources to have such opportunities, places such families at risk of never realizing their*

employment and income earning potential, and prevents the state's economy from prospering to the extent possible if such families realized their employment and income earning potential.

(e) *The divide between the members of such at-risk families and those who have adequate economic resources to have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high-skill, high-wage employment could be reduced, and the economy of the state could be enhanced, by designing and implementing programs that provide such opportunities to members of such at-risk families.*

It is the intent of the Legislature to provide the authority and resources reasonably necessary to facilitate design and implementation of such programs.

(2) **DIGITAL DIVIDE COUNCIL.**—*The Digital Divide Council is created in the State Technology Office. The council shall consist of:*

- (a) *The chief information officer in the State Technology Office.*
- (b) *The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.*
- (c) *The president of Workforce Florida, Inc.*
- (d) *The director of the Agency for Workforce Innovation.*
- (e) *The chair of itflorida.com, Inc.*
- (f) *The Commissioner of Education.*
- (g) *The executive director of the State Board of Community Colleges.*
- (h) *The executive director of the State Board for Career Education.*
- (i) *The chair of the Network Access Point of the Americas.*
- (j) *A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.*
- (k) *A representative of the information technology industry in this state appointed by the President of the Senate.*
- (l) *Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican caucus and the other of whom shall be a member of the Democratic caucus.*
- (m) *Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican caucus and the other of whom shall be a member of the Democratic caucus.*

(3) **TERMS OF APPOINTED MEMBERS OF COUNCIL; VACANCIES; COMPENSATION OF MEMBERS.**—*The appointed members of the council shall serve an initial term of 1 year commencing July 1, 2001, and ending June 30, 2002, and successor appointees shall serve a term of 2 years, the first of which shall commence July 1, 2002, and end June 30, 2004. Successive 2-year terms shall commence and end on the same schedule in subsequent years. Any vacancy in the membership of the council resulting from resignation, incapacity, or death shall be filled within 30 days after the date the vacancy is effective. The appointed members of the council shall serve without compensation, but such appointees and the other members of the council shall be entitled to receive per diem and reimbursement for travel expenses as provided in section 112.061, Florida Statutes. Payment of such per diem and reimbursement of such travel expenses may be made from appropriations authorized to be used for such purposes.*

(4) **COUNCIL MEETINGS; ELECTION OF OFFICERS.**—*The council shall conduct its initial meeting by August 1, 2001, and shall meet thereafter at least once every 60 days. In its initial meeting, the members of the council shall elect a member to serve as chair and another to serve as vice chair, each for a term of 1 year from the date of the election. Any vacancy in the offices of chair and vice chair resulting from*

resignation, incapacity, or death shall be filled by similar election within 30 days after the date the vacancy is effective.

(5) **ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF SUPPORT COSTS.**—*The State Technology Office shall provide such administrative and technical support to the council as is reasonably necessary for the council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties assigned to the State Technology Office related to design and implementation of the programs authorized by this section may be paid from appropriations authorized to be used for such purposes.*

(6) **POWERS AND DUTIES OF COUNCIL.**—*The council, through the State Technology Office, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The State Technology Office shall present and demonstrate to the council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section and each such program shall be reviewed and approved by the council before being implemented. Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if implemented throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.*

(7) **PROGRAM OBJECTIVES AND GOALS.**—*The programs authorized by this section shall have the following objectives and goals:*

- (a) *Maximizing efficient and productive use of existing facilities, equipment, personnel, programs, and funds available from federal, state, and local government agencies and from any private person or entity.*
- (b) *Using innovative concepts employing newly developed technologies in educating and training those who are enrolled in the programs authorized by this section.*
- (c) *Developing viable partnerships between public agencies and private persons and entities based on mutual commitment to responsible and dedicated participation in designing and implementing the programs authorized by this section.*
- (d) *Recruiting, enrolling, retaining, and graduating as many at-risk family members as feasible to ensure that they have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to competitively qualify them for high-skill, high-wage employment.*
- (e) *Reducing the number of underachieving and failing students in the state's public school systems who are members of at-risk families.*
- (f) *Reducing the number of underemployed and unemployed members of at-risk families.*
- (g) *Using information technology to facilitate achievement of the Sunshine State Standards by all children enrolled in the state's K-12 school system who are members of at-risk families.*
- (h) *Training teachers in the state's K-12 school system to efficiently and effectively use information technology to plan, teach, and administer all courses of instruction required and available by election of children enrolled in the system.*
- (i) *Using information technology to enable members of at-risk families who are no longer enrolled in K-12 schools to obtain the education needed to achieve successful completion of general education development test preparation to earn a high school diploma, an applied*

technology diploma, a vocational certificate, an associate of arts degree, or a baccalaureate degree.

(j) Bridge the digital divide in developing a competitive workforce to meet the employment needs of state-based information technology businesses and establish this state as having the most information technology ready workforce in the western hemisphere.

(8) **MONITORING, REVIEWING, AND EVALUATING PROGRAM PERFORMANCES; REPORTING RESULTS.**—The council, through the State Technology Office, shall continually monitor, review, and evaluate the progress of performances realized from implementation of the programs authorized by this section. The State Technology Office shall prepare and submit a report to the council at least 10 days before each of its meetings subsequent to its initial meeting and each such report shall, at a minimum, identify and describe the functional elements of each program being implemented and identify and describe the facilities, equipment, personnel, programs, and funds used to design and implement the program. For each such program, the report shall also identify by name, address, age, and sex the school-age children, and their older siblings and parents, who are enrolled in the program, state the educational level achieved by each enrollee as of the date he or she enrolled in the program, state the attendance and achievement level recorded for each enrollee in the program, evaluate the progress each enrollee is making toward successful completion of the program, and identify by name, address, age, and sex each enrollee who successfully completes the program. For each such program that is designed to prepare enrollees for high-skill, high-wage employment, the report shall identify each enrollee who successfully completes the program, describe each such employment position for which each enrollee has applied, identify by name, address, and nature of business each employer based in this state to whom each such application for employment has been addressed, state the results each enrollee obtained from making each such application, and describe the nature of any employment obtained and terms of compensation being earned from such employment by each enrollee as a result of making such applications.

(9) **ANNUAL REPORT.**—By March 1, 2002, the council, through the State Technology Office, shall report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate the results of the council's monitoring, reviewing, and evaluating such programs since their inception and the council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows:

remove from the title: the entire title

and insert in lieu thereof: : A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; requiring certain funds to be expended for after-school care programs; prohibiting certain uses of such funds; prescribing eligibility criteria for certain organizations providing such programs; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing legislative findings and intent; creating the Digital Divide Council in the State Technology Office; specifying membership; providing for terms, filling vacancies, and compensation; providing for council meetings and officers; requiring the State

Technology Office to provide administrative and technical support; providing powers and duties of the council; authorizing design and implementation of certain programs; providing program objectives and goals; requiring the council to monitor, review, and assess program performances; requiring reports; providing an effective date.

WHEREAS, the state has achieved dramatic success in reforms to the welfare system, with more than 200,000 families leaving the welfare rolls since such reforms were enacted in 1996, and

WHEREAS, the majority of those who have left the welfare rolls have done so because of employment and have held no more than two different jobs since leaving welfare, and

WHEREAS, however, many of those who have left the welfare rolls are generating incomes below the federal poverty level, leaving them vulnerable to falling back into the welfare system, and

WHEREAS, there also are families that remain within the welfare system who are at risk of exhausting their eligibility for assistance and who would benefit from greater incentives to increase their earnings, and

WHEREAS, a strategy that encourages employment, training, and education represents the best approach for increasing family incomes and promoting economic self-sufficiency, and

WHEREAS, the Workforce Innovation Act of 2000 restructured the state's workforce system to provide individuals with enhanced opportunities to develop skills to secure, maintain, and advance in employment through training and education, and

WHEREAS, the expansion of incentives for employment, the extension of transitional support services, and the provision of wage supplements will further enhance the ability of families who are participants in the welfare system or who are leaving the welfare system to raise their incomes and achieve economic progress, NOW, THEREFORE,

Rep. Byrd 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 SB 1672. The vote was:

Session Vote Sequence: 530

Yeas—111

The Chair	Cantens	Haridopolos	Machek
Alexander	Carassas	Harper	Mack
Allen	Clarke	Harrell	Mayfield
Andrews	Crow	Harrington	McGriff
Argenziano	Cusack	Hart	Meadows
Arza	Davis	Henriquez	Mealor
Atwater	Detert	Heyman	Miller
Ausley	Diaz de la Portilla	Hogan	Murman
Baker	Diaz-Balart	Holloway	Needelman
Barreiro	Dockery	Jennings	Negron
Baxley	Farkas	Johnson	Paul
Bean	Fasano	Jordan	Peterman
Bendross-Mindingall	Feeney	Joyner	Pickens
Bennett	Fields	Justice	Prieguez
Bense	Flanagan	Kallinger	Rich
Benson	Frankel	Kendrick	Ritter
Berfield	Gannon	Kilmer	Romeo
Betancourt	Garcia	Kosmas	Ross
Bilirakis	Gardiner	Kottkamp	Rubio
Bowen	Gelber	Kravitz	Russell
Brummer	Gibson	Kyle	Ryan
Brutus	Goodlette	Lacasa	Seiler
Bucher	Gottlieb	Lee	Simmons
Bullard	Green	Lerner	Siplin
Byrd	Greenstein	Littlefield	Slosberg

Smith	Stansel	Waters	Wilson
Sobel	Trovillion	Weissman	Wishner
Spratt	Wallace	Wiles	

Nays—3

Lynn	Maygarden	Melvin
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So the bill passed, as amended, and was immediately certified to the Senate.

Messages from the Senate

On motion by Rep. Russell, the House moved to the consideration of CS/CS/HB 1053.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/CS/HB 1053, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/CS/HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain

projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the

state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)(a) The head of the Department of Transportation is the Secretary of Transportation. The secretary shall be appointed by the Governor from among three persons nominated by the Florida Transportation Commission and shall be subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(b) The secretary shall be a proven, effective administrator who by a combination of education and experience shall clearly possess a broad knowledge of the administrative, financial, and technical aspects of the development, operation, and regulation of transportation systems and facilities or comparable systems and facilities.

(b) The secretary shall employ all personnel of the department. He or she shall implement all laws, rules, policies, and procedures applicable to the operation of the department and may not by his or her actions disregard or act in a manner contrary to any such policy. The secretary shall represent the department in its dealings with other state agencies, local governments, special districts, and the Federal Government. He or she shall have authority to sign and execute all documents and papers necessary to carry out his or her duties and the operations of the department. At each meeting of the Florida Transportation Commission, the secretary shall submit a report of major actions taken by him or her as official representative of the department.

2. The secretary shall cause the annual department budget request, the Florida Transportation Plan, and the tentative work program to be prepared in accordance with all applicable laws and departmental policies and shall submit the budget, plan, and program to the Florida Transportation Commission. The commission shall perform an in-depth evaluation of the budget, plan, and program for compliance with all applicable laws and departmental policies. If the commission determines that the budget, plan, or program is not in compliance with all applicable laws and departmental policies, it shall report its findings and recommendations regarding such noncompliance to the Legislature and the Governor.

(c) The secretary shall provide to the Florida Transportation Commission or its staff, such assistance, information, and documents as are requested by the commission or its staff to enable the commission to fulfill its duties and responsibilities.

(d)(e) The secretary shall appoint two three assistant secretaries who shall be directly responsible to the secretary and who shall perform such duties as are specified in this section and such other duties as are assigned by the secretary. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary. The department has the authority to adopt rules necessary for the delegation of authority beyond the assistant secretaries. The assistant secretaries shall serve at the pleasure of the secretary.

(e)(d) Any secretary appointed after July 5, 1989, and the assistant secretaries shall be exempt from the provisions of part III of chapter 110 and shall receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector. When the salary of any assistant secretary exceeds the limits established in part III of chapter 110, the Governor shall approve said salary.

(2)(a)1. The Florida Transportation Commission is hereby created and shall consist of nine members appointed by the Governor subject to confirmation by the Senate. Members of the commission shall serve terms of 4 years each.

2. Members shall be appointed in such a manner as to equitably represent all geographic areas of the state. Each member must be a registered voter and a citizen of the state. Each member of the commission must also possess business managerial experience in the private sector.

3. A member of the commission shall represent the transportation needs of the state as a whole and may not subordinate the needs of the state to those of any particular area of the state.

4. The commission is assigned to the Office of the Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(b) The commission shall have the primary functions to:

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements therein to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department, using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature and the Governor methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to Florida's changing economic and demographic development patterns. The initial report by the commission must be delivered to the Governor and Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain such experts as are reasonably necessary to effectuate this subparagraph, and the department shall pay the expenses of such experts.

(c) The commission or a member thereof may not enter into the day-to-day operation of the department and is specifically prohibited from taking part in:

1. The awarding of contracts.
2. The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the commission may recommend to the secretary standards and policies governing the procedure for selection and prequalification of consultants and contractors.
3. The selection of a route for a specific project.
4. The specific location of a transportation facility.
5. The acquisition of rights-of-way.
6. The employment, promotion, demotion, suspension, transfer, or discharge of any department personnel.
7. The granting, denial, suspension, or revocation of any license or permit issued by the department.

(d)1. The chair of the commission shall be selected by the commission members and shall serve a 1-year term.

2. The commission shall hold a minimum of 4 regular meetings annually, and other meetings may be called by the chair upon giving at least 1 week's notice to all members and the public pursuant to chapter 120. Other meetings may also be held upon the written request of at least four other members of the commission, with at least 1 week's notice of such meeting being given to all members and the public by the chair pursuant to chapter 120. Emergency meetings may be held without

notice upon the request of all members of the commission. *At each meeting of the commission, the secretary or his or her designee shall submit a report of major actions taken by him or her as official representative of the department.*

3. A majority of the membership of the commission constitutes a quorum at any meeting of the commission. An action of the commission is not binding unless the action is taken pursuant to an affirmative vote of a majority of the members present, but not fewer than four members of the commission at a meeting held pursuant to subparagraph 2., and the vote is recorded in the minutes of that meeting.

4. The chair shall cause to be made a complete record of the proceedings of the commission, which record shall be open for public inspection.

(e) The meetings of the commission shall be held in the central office of the department in Tallahassee unless the chair determines that special circumstances warrant meeting at another location.

(f) Members of the commission are entitled to per diem and travel expenses pursuant to s. 112.061.

(g) A member of the commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department during the term of his or her appointment and for 2 years after the termination of such appointment.

(h) The commission shall appoint an executive director and assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 110 and shall serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service; provided, however, that the commission shall have complete authority for fixing the salary of the executive director and assistant executive director.

(i) The commission shall develop a budget pursuant to chapter 216. The budget is not subject to change by the department, but such budget shall be submitted to the Governor along with the budget of the department.

(3)(a) The central office shall establish departmental policies, rules, procedures, and standards and shall monitor the implementation of such policies, rules, procedures, and standards in order to ensure uniform compliance and quality performance by the districts and central office units that implement transportation programs. Major transportation policy initiatives or revisions shall be submitted to the commission for review. ~~The central office monitoring function shall be based on a plan that clearly specifies what areas will be monitored, activities and criteria used to measure compliance, and a feedback process that assures monitoring findings are reported and deficiencies corrected. The secretary is responsible for ensuring that a central office monitoring function is implemented, and that it functions properly. In conjunction with its monitoring function, the central office shall provide such training and administrative support to the districts as the department determines to be necessary to ensure that the department's programs are carried out in the most efficient and effective manner.~~

~~(b) The resources necessary to ensure the efficiency, effectiveness, and quality of performance by the department of its statutory responsibilities shall be allocated to the central office.~~

~~(b)(e) The secretary shall appoint an Assistant Secretary for Transportation Policy and; an Assistant Secretary for Finance and Administration, and an Assistant Secretary for District Operations, each of whom shall serve at the pleasure of the secretary. The positions are responsible for developing, monitoring, and enforcing policy and managing major technical programs. The responsibilities and duties of these positions include, but are not limited to, the following functional areas:~~

- ~~1. Assistant Secretary for Transportation Policy.—~~
- ~~a. Development of the Florida Transportation Plan and other policy planning;~~
- ~~b. Development of statewide modal systems plans, including public transportation systems;~~
- ~~e. Design of transportation facilities;~~
- ~~d. Construction of transportation facilities;~~
- ~~e. Acquisition and management of transportation rights of way; and~~
- ~~f. Administration of motor carrier compliance and safety.~~
- ~~2. Assistant Secretary for District Operations.—~~
- ~~a. Administration of the eight districts; and~~
- ~~b. Implementation of the decentralization of the department.~~
- ~~3. Assistant Secretary for Finance and Administration.—~~
- ~~a. Financial planning and management;~~
- ~~b. Information systems;~~
- ~~e. 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;~~
- ~~e. Assessing and ensuring the accuracy of information within the department's financial management information systems; and~~
- ~~d. Performing other activities of a statewide nature.~~
- 1.2. The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:
- a. The Office of Administration;
 - b. The Office of Policy Planning;
 - c. The Office of Design;
 - d. The Office of Highway Operations;
 - e. The Office of Right-of-Way;
 - f. The Office of Toll Operations;
 - g. The Office of Information Systems; and
 - h. The Office of Motor Carrier Compliance;
 - i. *The Office of Management and Budget; and*
 - j. *The Office of Comptroller.*
- 2.3. Other offices may be established in accordance with s. 20.04(7). The heads of such offices are exempt from part II of chapter 110. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.
- 3.4. During the construction of a major transportation improvement project or as determined by the district secretary, the department may provide assistance to a business entity significantly impacted by the project if the entity is a for-profit entity that has been in business for 3 years prior to the beginning of construction and has direct or shared

access to the transportation project being constructed. The assistance program shall be in the form of additional guarantees to assist the impacted business entity in receiving loans pursuant to Title 13 C.F.R. part 120. However, in no instance shall the combined guarantees be greater than 90 percent of the loan. The department shall adopt rules to implement this subparagraph.

~~(e) The Assistant Secretary for Finance and Administration must possess a broad knowledge of the administrative, financial, and technical aspects of a complete cost accounting system, budget preparation and management, and management information systems. The Assistant Secretary for Finance and Administration must be a proven, effective manager with specialized skills in financial planning and management. The Assistant Secretary for Finance and Administration shall ensure that financial information is processed in a timely, accurate, and complete manner.~~

~~(f)1. Within the central office there is created an Office of Management and Budget. The head of the Office of Management and Budget is responsible to the Assistant Secretary for Finance and Administration and is exempt from part II of chapter 110.~~

~~2. The functions of the Office of Management and Budget include, but are not limited to:~~

- ~~a. Preparation of the work program;~~
- ~~b. Preparation of the departmental budget; and~~
- ~~e. Coordination of related policies and procedures.~~

~~3. The Office of Management and Budget shall also be responsible for developing uniform implementation and monitoring procedures for all activities performed at the district level involving the budget and the work program.~~

~~(c)(g) The secretary shall may appoint an inspector general pursuant to s. 20.055 who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary.~~

~~(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter 110. The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing~~

standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.

2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.

b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.

(i)1. The secretary shall appoint a comptroller who is responsible to the Assistant Secretary for Finance and Administration. This position is exempt from part II of chapter 110.

2. The comptroller is the chief financial officer of the department and must be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller must hold an active license to practice public accounting in Florida pursuant to chapter 473 or an active license to practice public accounting in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system that will in a timely manner accurately reflect the revenues and expenditures of the department and that includes a cost accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and is responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies that examine the cost effectiveness and feasibility of contracting for services and operations performed by the department. The review must state that the study was prepared in accordance with generally accepted cost accounting standards applied in a consistent manner using valid and accurate cost data.

3. The department shall by rule or internal management memoranda as required by chapter 120 provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:

a. The several appropriations available for the use of the department;

b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose;

e. The apportionment or division of all such appropriations among the several counties and districts, when such apportionment or division is made;

d. The amount or portion of each such apportionment against general contractual and other liabilities then created;

e. The amount expended and still to be expended in connection with each contractual and other obligation of the department;

f. The expense and operating costs of the various activities of the department;

g. The receipts accruing to the department and the distribution thereof;

h. The assets, investments, and liabilities of the department; and

i. The cash requirements of the department for a 36-month period.

4. The comptroller shall maintain a separate account for each fund administered by the department.

5. The comptroller shall perform such other related duties as designated by the department.

(d)(j) The secretary shall appoint a general counsel who shall be employed full time and shall be directly responsible to the secretary and shall serve at the pleasure of the secretary. The general counsel is responsible for all legal matters of the department. The department may employ as many attorneys as it deems necessary to advise and represent the department in all transportation matters.

(e)(k) The secretary shall appoint a state transportation planner who shall report to the Assistant Secretary for Transportation Policy. The state transportation planner's responsibilities shall include, but are not limited to, policy planning, systems planning, and transportation statistics. This position shall be classified at a level equal to a deputy assistant secretary.

(f)(4) The secretary shall appoint a state highway engineer who shall report to the Assistant Secretary for Transportation Policy. The state highway engineer's responsibilities shall include, but are not limited to, design, construction, and maintenance of highway facilities; acquisition and management of transportation rights of way; traffic engineering; and materials testing. This position shall be classified at a level equal to a deputy assistant secretary.

(g)(m) The secretary shall appoint a state public transportation administrator who shall report to the Assistant Secretary for Transportation Policy. The state public transportation administrator's responsibilities shall include, but are not limited to, the administration of statewide transit, rail, intermodal development, and aviation programs. This position shall be classified at a level equal to a deputy assistant secretary. The department shall also assign to the public transportation administrator an organizational unit the primary function of which is to administer the high speed rail program.

(4)(a) The operations of the department shall be organized into seven eight districts, including a turnpike district, each headed by a district secretary, and a turnpike enterprise, headed by an executive director. The district secretaries shall report to the Assistant Secretary for District Operations. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, and Hillsborough, and Leon Counties. The headquarters of the turnpike enterprise shall be located in Orange County. The turnpike district must be relocated to Orange County in the year 2000. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts. However, before making a decision to centralize or decentralize department operations or relocate the turnpike district, the department must first determine if the decision would be cost-effective and in the public's best interest. The department shall periodically evaluate such decisions to ensure that they are appropriate.

(b) The primary responsibility for the implementation of the department's transportation programs shall be delegated by the

secretary to the district secretaries, and sufficient authority shall be vested in each district to ensure adequate control of the resources commensurate with the delegated responsibility. Each district secretary shall also be accountable for ensuring their district's quality of performance and compliance with all laws, rules, policies, and procedures related to the operation of the department.

(c) Each district secretary may appoint a district director for planning and programming, a district director for production, and a district director for operations. These positions are exempt from part II of chapter 110.

(d) Within each district, offices shall be established for managing major functional responsibilities of the department. ~~The offices may include planning, design, construction, right-of-way, maintenance, and public transportation.~~ The heads of these offices shall be exempt from part II of chapter 110.

(e) The district director for the Fort Myers Urban Office of the Department of Transportation is responsible for developing the 5-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort Myers Urban Office also is responsible for providing policy, direction, local government coordination, and planning for those counties.

(f)1. The responsibility for the turnpike system shall be delegated by the secretary to the executive director of the turnpike enterprise, who shall serve at the pleasure of the secretary. The executive director shall report directly to the secretary, and the turnpike enterprise shall operate pursuant to ss. 338.22-338.241.

2. To facilitate the most efficient and effective management of the turnpike enterprise, including the use of best business practices employed by the private sector, the turnpike enterprise shall be exempt from departmental policies, procedures, and standards, subject to the Secretary having the authority to apply any such policies, procedures, and standards to the turnpike enterprise from time to time as deemed appropriate.

3. To enhance the ability of the turnpike enterprise to use best business practices employed by the private sector, the Secretary shall promulgate rules which exempt the turnpike enterprise from department rules and authorize the turnpike enterprise to employ procurement methods available to the private sector.

(5) Notwithstanding the provisions of s. 110.205, the Department of Management Services is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 110.205(2)(i) or positions which are comparable to positions in the Selected Exempt Service under s. 110.205(2)(l).

~~(6) To facilitate the efficient and effective management of the department in a businesslike manner, the department shall develop a system for the submission of monthly management reports to the Florida Transportation Commission and secretary from the district secretaries. The commission and the secretary shall determine which reports are required to fulfill their respective responsibilities under this section. A copy of each such report shall be submitted monthly to the appropriations and transportation committees of the Senate and the House of Representatives. Recommendations made by the Auditor General in his or her audits of the department that relate to management practices, systems, or reports shall be implemented in a timely manner. However, if the department determines that one or more of the recommendations should be altered or should not be implemented, it shall provide a written explanation of such determination to the Legislative Auditing Committee within 6 months after the date the recommendations were published.~~

~~(6)(7)~~ The department is authorized to contract with local governmental entities and with the private sector if the department first determines that:

(a) Consultants can do the work at less cost than state employees;

(b) State employees can do the work at less cost, but sufficient positions have not been approved by the Legislature as requested in the department's most recent legislative budget request;

(c) The work requires specialized expertise, and it would not be economical for the state to acquire, and then maintain, the expertise after the work is done;

(d) The workload is at a peak level, and it would not be economical to acquire, and then keep, extra personnel after the workload decreases; or

(e) The use of such entities is clearly in the public's best interest.

Such contracts shall require compliance with applicable federal and state laws, and clearly specify the product or service to be provided.

Section 2. Paragraphs (i) and (l) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(b)1.~~(4)2.~~, of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(b)2.~~(4)3.~~ and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

Section 3. Paragraph (k) is added to subsection (6) of section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. An amendment proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible.

(b) A traffic circulation element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the traffic circulation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide

for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources. Local governments shall assess their current, as well as projected, water needs and sources for a 10-year period. This information shall be submitted to the appropriate agencies. The land use map or map series contained in the future land use element shall generally identify and depict the following:

1. Existing and planned waterwells and cones of influence where applicable.
2. Beaches and shores, including estuarine systems.
3. Rivers, bays, lakes, flood plains, and harbors.
4. Wetlands.
5. Minerals and soils.

The land uses identified on such maps shall be consistent with applicable state law and rules.

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, and other recreational facilities.

(f)1. A housing element consisting of standards, plans, and principles to be followed in:

- a. The provision of housing for all current and anticipated future residents of the jurisdiction.
- b. The elimination of substandard dwelling conditions.
- c. The structural and aesthetic improvement of existing housing.
- d. The provision of adequate sites for future housing, including housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.
- e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.
- f. The formulation of housing implementation programs.
- g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

The goals, objectives, and policies of the housing element must be based on the data and analysis prepared on housing needs, including the affordable housing needs assessment. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to utilize job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.

(g) For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

2. Continued existence of viable populations of all species of wildlife and marine life.

3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.

4. Avoidance of irreversible and irretrievable loss of coastal zone resources.

5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.

6. Proposed management and regulatory techniques.

7. Limitation of public expenditures that subsidize development in high-hazard coastal areas.

8. Protection of human life against the effects of natural disasters.

9. The orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

10. Preservation, including sensitive adaptive use of historic and archaeological resources.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those municipalities having populations greater than 50,000, and those counties having populations greater than 75,000, as determined under s. 186.901.

(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which shall be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:

1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.

2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

3. Parking facilities.

4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.

6. The capability to evacuate the coastal population prior to an impending natural disaster.

7. Airports, projected airport and aviation development, and land use compatibility around airports.

8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

(k) *An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated*

airport under section 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plan; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan shall not be a development of regional impact.

Section 4. Paragraph (c) of subsection (2) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(2)

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities *designated as part of the Florida Intrastate Highway System needed to serve new development shall be in place or under actual construction no more than 5 years after issuance by the local government of a certificate of occupancy or its functional equivalent. Other transportation facilities needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.*

Section 5. Section 189.441, Florida Statutes, is amended to read:

189.441 Contracts.—Contracts for the construction of projects and for any other purpose of the authority may be awarded by the authority in a manner that will best promote free and open competition, including advertisement for competitive bids; however, if the authority determines that the purposes of this act will be more effectively served thereby, the authority may award or cause to be awarded contracts for the construction of any project, including design-build contracts, or any part thereof, or for any other purpose of the authority upon a negotiated basis as determined by the authority. Each contractor doing business with the authority and required to be licensed by the state or local general-purpose governments must maintain the license during the term of the contract with the authority. The authority may prescribe bid security requirements and other procedures in connection with the award of contracts which protect the public interest. ~~Section 287.055 does not apply to the selection of professional architectural, engineering, landscape architectural, or land surveying services by the authority or to the procurement of design-build contracts.~~ The authority may, and in the case of a new professional sports franchise must, by written contract engage the services of the operator, lessee, sublessee, or purchaser, or prospective operator, lessee, sublessee, or purchaser, of any project in the construction of the project and may, and in the case of a new professional sports franchise must, provide in the contract that the lessee, sublessee, purchaser, or prospective lessee, sublessee, or purchaser, may act as an agent of, or an independent contractor for, the authority for the performance of the functions described therein, subject to the conditions and requirements prescribed in the contract, including functions such as the acquisition of the site and other real property for the project; the preparation of plans, specifications, financing, and contract documents; the award of construction and other contracts upon a competitive or negotiated basis; the construction of the project, or any part thereof, directly by the lessee, purchaser, or prospective lessee or purchaser; the inspection and supervision of construction; and the employment of engineers, architects, builders, and other contractors;

and the provision of money to pay the cost thereof pending reimbursement by the authority. Any such contract may, and in the case of a new professional sports franchise must, allow the authority to make advances to or reimburse the lessee, sublessee, or purchaser, or prospective lessee, sublessee, or purchaser for its costs incurred in the performance of those functions, and must set forth the supporting documents required to be submitted to the authority and the reviews, examinations, and audits that are required in connection therewith to assure compliance with the contract.

Section 6. Subsection (6) is added to section 73.092, Florida Statutes, to read:

73.092 Attorney's fees.—

(6) *If a defendant does not accept the last written settlement offer by the condemning authority before the final judgment, and the final judgment obtained by the defendant, exclusive of any interest accumulated after the written settlement offer was initially made, is equal to or less than the written settlement offer, then the court shall not award any attorney fees or costs incurred by the defendant after the date the written settlement offer was received. This subsection shall not apply to s. 73.032.*

Section 7. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other provisions of law, from the revenues deposited into the State Transportation Trust Fund a maximum of 7 percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the 7 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt service not to exceed \$200 \$135 million. Such transfer shall be payable primarily from the motor and diesel fuel taxes transferred to the State Transportation Trust Fund from the Fuel Tax Collection Trust Fund.

Section 8. Paragraph (a) of subsection (1) of section 255.20, Florida Statutes, is amended to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have total construction project costs of more than \$200,000. For electrical work, local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have a cost of more than \$50,000. As used in this section, the term "competitively award" means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, construction costs include the cost of all labor, except inmate labor, and include the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) The provisions of this subsection do not apply:

1. When the project is undertaken to replace, reconstruct, or repair an existing facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates:

- a. An immediate danger to the public health or safety;
- b. Other loss to public or private property which requires emergency government action; or
- c. An interruption of an essential governmental service.

2. When, after notice by publication in accordance with the applicable ordinance or resolution, the governmental entity does not receive any responsive bids or responses.

3. To construction, remodeling, repair, or improvement to a public electric or gas utility system when such work on the public utility system is performed by personnel of the system.

4. To construction, remodeling, repair, or improvement by a utility commission whose major contracts are to construct and operate a public electric utility system.

5. When the project is undertaken as repair or maintenance of an existing public facility.

6. When the project is undertaken exclusively as part of a public educational program.

7. When the funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent.

8. When the local government has competitively awarded a project to a private sector contractor and the contractor has abandoned the project before completion or the local government has terminated the contract.

9. When the governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 14 days prior to the date of the public meeting at which the governing board takes final action to apply this subparagraph. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to perform the project using the local government's own services, employees, and equipment. In deciding whether it is in the public's best interest for local government to perform a project using its own services, employees, and equipment, the governing board may consider the cost of the project, whether the project requires an increase in the number of government employees, an increase in capital expenditures for public facilities, equipment or other capital assets, the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public's best interest.

10. When the governing board of the local government determines upon consideration of specific substantive criteria and administrative procedures that it is in the best interest of the local government to award the project to an appropriately licensed private sector contractor according to procedures established by and expressly set forth in a charter, ordinance, or resolution of the local government adopted prior to July 1, 1994. The criteria and procedures must be set out in the charter, ordinance, or resolution and must be applied uniformly by the local government to avoid award of any project in an arbitrary or capricious manner. This exception shall apply when all of the following occur:

a. When the governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a two-thirds vote of the governing board that it is in the public's best interest to award the project according to the criteria and procedures established by charter, ordinance, or resolution. The public notice must be published at least 14 days prior to the date of the public meeting at which the governing board takes final action to apply this subparagraph. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to award the project using the criteria and procedures permitted by the preexisting ordinance.

b. In the event the project is to be awarded by any method other than a competitive selection process, the governing board must find evidence that:

(I) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

(II) The time to competitively award the project will jeopardize the funding for the project, or will materially increase the cost of the project or will create an undue hardship on the public health, safety, or welfare.

c. In the event the project is to be awarded by any method other than a competitive selection process, the published notice must clearly specify the ordinance or resolution by which the private sector contractor will be selected and the criteria to be considered.

d. In the event the project is to be awarded by a method other than a competitive selection process, the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection; and the consideration by, and the justification of, the government body are documented, in writing, in the project file and are presented to the governing board prior to the approval required in this paragraph.

11. *To projects subject to chapter 336.*

Section 9. Paragraph (g) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which construction costs do not exceed \$1 million \$500,000, for study activity when the fee for such professional service does not exceed \$50,000 \$25,000, or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract must provide a termination clause.

Section 10. Paragraphs (a) and (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, and the auditing provisions of s. 11.45(3)(a)5. Program funds also may be used by the Seaport Transportation and Economic Development Council to develop ~~with the Florida Trade Data Center~~ such trade data information products which will assist Florida's seaports and international trade.

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.
2. The dredging or deepening of channels, turning basins, or harbors.
3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.
4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.
5. The acquisition of land to be used for port purposes.
6. The acquisition, improvement, enlargement, or extension of existing port facilities.
7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.
8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of \$5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

11. *Seaport security projects identified pursuant to s. 311.12. Seaport security projects are not subject to the matching fund requirements of paragraph (a).*

Section 11. Subsection (1) of Section 315.031, Florida Statutes is amended to read:

315.031 Promoting and advertising port facilities.—

- (1) Each unit is authorized and empowered:
 - (a) To publicize, advertise and promote the activities and port facilities herein authorized;
 - (b) To make known the advantages, facilities, resources, products, attractions and attributes of the activities and port facilities herein authorized;
 - (c) To create a favorable climate of opinion concerning the activities and port facilities herein authorized;
 - (d) To cooperate with other agencies, public and private, in accomplishing these purposes;
 - (e) To enter into agreements with the purchaser or purchasers of port facilities bonds issued under the provisions of this law to establish a special fund to be set aside from the proceeds of the revenues collected under the provisions of s. 315.03(13), during any fiscal year, for the promotional activities authorized herein.

(f) *To authorize expenditures for promotional activities authorized by this section, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its port facilities.*

~~Nothing herein shall be construed to authorize any unit to expend funds for meals, hospitality, amusement or any other purpose of an entertainment nature.~~

Section 12. Subsection (12) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(12) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with the provisions of s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall ~~abide by the provisions of s. 287.055 be exempt from this requirement.~~

Section 13. Paragraph (b) of subsection (1) of section 316.302, Florida Statutes, is amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on ~~October 1, 2000~~ ~~March 1, 1999~~.

Section 14. Paragraph (a) of subsection (3) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(3)(a) A civil penalty of \$50 may be assessed for a violation of ~~49 C.F.R. s. 390.21 s. 316.3027~~.

Section 15. Subsection (2) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(2) HEIGHT LIMITATION.—No vehicle may exceed a height of 13 feet 6 inches, inclusive of load carried thereon. However, an automobile transporter may, ~~with a permit from the Department of Transportation,~~ measure a height not to exceed 14 feet, inclusive of the load carried thereon.

Section 16. Subsection (6) of section 316.535, Florida Statutes, is renumbered as subsection (7), present subsection (7) is renumbered as subsection (8) and amended, and a new subsection (6) is added to said section to read:

316.535 Maximum weights.—

(6) *Dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work or use, when operated as a single unit, shall be subject to all safety and operational requirements of law, except that any such vehicle need not conform to the axle spacing requirements of this section provided that such vehicle shall be limited to a total gross load, including the weight of the vehicle, of 20,000 pounds per axle plus scale tolerances and shall not exceed 550 pounds per inch width tire surface plus scale tolerances. No vehicle operating pursuant to this*

section shall exceed a gross weight, including the weight of the vehicle and scale tolerances, of 70,000 pounds. Any vehicle violating the weight provisions of this section shall be penalized as provided in s. 316.545.

(7)(6) The Department of Transportation shall adopt rules to implement this section, shall enforce this section and the rules adopted hereunder, and shall publish and distribute tables and other publications as deemed necessary to inform the public.

(8)(7) Except as hereinafter provided, no vehicle or combination of vehicles exceeding the gross weights specified in subsections (3), (4), and (5), and (6) shall be permitted to travel on the public highways within the state.

Section 17. Paragraph (a) of subsection (2) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(2)(a) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535(7) (6) shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits.

Section 18. Section 330.27, Florida Statutes, is amended to read:

330.27 Definitions, when used in ss. 330.29-330.36, 330.38, 330.39.—

(1) "Aircraft" means a powered or unpowered machine or device capable of atmosphere flight ~~any motor vehicle or contrivance now known, or hereafter invented, which is used or designed for navigation of or flight in the air, except a parachute or other such device contrivance designed for such navigation but used primarily as safety equipment.~~

(2) "Airport" means ~~an any area of land or water, or any manmade object or facility located thereon, which is used for, or intended to be used for, use, for the landing and takeoff of aircraft, including and any appurtenant areas, which are used, or intended for use, for airport buildings, or other airport facilities, or rights-of-way necessary to facilitate such use or intended use, together with all airport buildings and facilities located thereon.~~

(3) "Airport hazard" means ~~any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing or taking off.~~

(4) "Aviation" means ~~the science and art of flight and includes, but is not limited to, transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.~~

(3)(5) "Department" means the Department of Transportation.

(4)(6) "Limited airport" means ~~any an airport, publicly or privately owned,~~ limited exclusively to the specific conditions stated on the site approval order or license.

(7) "Operation of aircraft" or "operate aircraft" means ~~the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state.~~

(8) "Political subdivision" means ~~any county, municipality, district, port or aviation commission or authority, or similar entity authorized to establish or operate an airport in this state.~~

(5)(9) "Private airport" means an airport, publicly or privately owned, which is *not open or available for use by the public. A private airport is registered with the department for use of the person or persons registering the facility used primarily by the licensee but may be made which is available to others for use by invitation of the registrant licensee. Services may be provided if authorized by the department.*

(6)(10) "Public airport" means an airport, publicly or privately owned, which ~~meets minimum safety and service standards and is open for use by the public as listed in the current United States Government Flight Information Publication, Airport Facility Directory. A public airport is licensed by the department as meeting minimum safety standards.~~

(7)(11) "Temporary airport" means ~~any an airport, publicly or privately owned,~~ that will be used for a period of less than 30 90 days with no more than 10 operations per day.

(8)(12) "Ultralight aircraft" means ~~any heavier-than-air, motorized aircraft meeting which meets the criteria for maximum weight, fuel capacity, and airspeed established for such aircraft by the Federal Aviation Regulation Administration under Part 103 of the Federal Aviation Regulations.~~

Section 19. Section 330.29, Florida Statutes, is amended to read:

330.29 Administration and enforcement; rules; standards for airport sites and airports.—It is the duty of the department to:

(1) Administer and enforce the provisions of this chapter.

(2) Establish minimum standards for airport sites and airports under its licensing *and registration* jurisdiction.

(3) *Establish and maintain a state aviation data system to facilitate licensing and registration of all airports.*

(4)(3) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

Section 20. Section 330.30, Florida Statutes, is amended to read:

330.30 Approval of airport sites and licensing of airports; fees.—

(1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE PERIOD, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of any proposed airport shall, prior to ~~site the acquisition of the site or prior to the construction or establishment of the proposed airport,~~ obtain approval of the airport site from the department. Applications for approval of a site ~~and for an original license shall be jointly made on a form prescribed by the department and shall be accompanied by a site approval fee of \$100. The department, after inspection of the airport site,~~ shall grant the site approval if it is satisfied:

1. That the site is *suitable adequate* for the *airport as proposed airport*;

2. That the *airport as proposed airport, if constructed or established,* will conform to minimum standards of safety and will comply with *the applicable local government land development regulation or county or municipal zoning requirements;*

3. That all nearby airports, *local governments municipalities*, and property owners have been notified and any comments submitted by them have been given adequate consideration; and

4. That safe air-traffic patterns can be *established worked out* for the proposed airport *with and for* all existing airports and approved airport sites in its vicinity.

(b) *Site approval shall be granted for public airports only after a favorable department inspection of the proposed site.*

(c) *Site approval shall be granted for private airports only after receipt of documentation the department deems necessary to satisfy the conditions in paragraph (a).*

(d)(b) Site approval may be granted subject to any reasonable conditions *which the department deems may deem* necessary to protect the public health, safety, or welfare.

(e) *Such Approval shall remain valid in effect for a period of 2 years after the date of issue issuance of the site approval order, unless sooner revoked by the department or unless, prior to the expiration of the 2-year period, a public airport license is issued or private airport registration granted for an airport located on the approved site has been issued pursuant to subsection (2) prior to the expiration date.*

(f) *The department may extend a site approval may be extended for up to a maximum of 2 years for upon good cause shown by the owner or lessee of the airport site.*

(g)(e) The department may revoke a *site such* approval if it determines:

1. That *there has been an abandonment of the site has been abandoned* as an airport site;

2. That *there has been a failure within a reasonable time to develop the site has not been developed as an airport within a reasonable time period or development does not to* comply with the conditions of the site approval;

3. That *except as required for in-flight emergencies the operation of aircraft have operated of a nonemergency nature has occurred* on the site; or

4. That, *because of changed physical or legal conditions or circumstances,* the site is no longer usable for the aviation purposes *due to physical or legal changes in conditions that were the subject of for* which the approval was granted.

(2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of *any an* airport in this state must *have either a public airport obtain* a license or private airport registration prior to the operation of aircraft *to or from the facility on the airport. An* Application for a such license or registration shall be made on a form prescribed by the department and shall be accomplished jointly with an application for site approval. Upon granting site approval; *making a favorable final airport inspection report indicating compliance with all license requirements, and receiving the appropriate license fee, the department shall issue a license to the applicant, subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.*

1. *For a public airport, the department shall issue a license after a final airport inspection finds the facility to be in compliance with all requirements for the license. The license may be subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.*

2. *For a private airport, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.*

(b) The department is authorized to license a *public an* airport that does not meet all of the minimum standards only if it determines that such exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation “special” and shall state the conditions subject to which the license is granted.

(c) The department may authorize a site *to be used* as a temporary airport if it finds, after inspection of the site, that the airport will not endanger the public health, safety, or welfare. *A temporary airport will not require a license or registration. Such* Authorization to use a site for a temporary airport will be valid for *shall expire* not more later than 30 90 days *after issuance* and is not renewable.

(d) ~~The license fees for the four categories of airport licenses are:~~

1. ~~Public airport: \$100.~~

2. ~~Private airport: \$70.~~

3. ~~Limited airport: \$50.~~

4. ~~Temporary airport: \$25.~~

~~Airports owned or operated by the state, a county, or a municipality and emergency helistops operated by licensed hospitals are required to be licensed but are exempt from the payment of site approval fees and annual license fees.~~

(d)(e)1. Each public airport license will expire no later than 1 year after the effective date of the license, except that the expiration date of a license may be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency. ~~If the expiration date for a public airport is adjusted, the appropriate license fee shall be determined by prorating the annual fee based on the length of the adjusted license period.~~

2. ~~Registration The license period for private all airports other than public airports will remain valid provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. Recertification shall be required each 12 months. A private airport registration that has not been recertified in the 12-month period following the last certification shall expire. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system. be set by the department, but shall not exceed a period of 5 years. In determining the license period for such airports, the department shall consider the number of based aircraft, the airport location relative to adjacent land uses and other airports, and any other factors deemed by the department to be critical to airport operation and safety.~~

3. The effective date and expiration date shall be *shown on public airport licenses stated on the face of the license.* Upon receiving an application for renewal of a *public airport* license on a form prescribed by the department *and;* making a favorable inspection report indicating compliance with all applicable requirements and conditions, ~~and receiving the appropriate annual license fee,~~ the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

4. The department may require a *new* site approval for *any an* airport if the license or registration of the airport has *expired not been renewed by the expiration date.*

5. If the renewal application for a *public airport license has and fees* have not been received by the department or *no private airport registration recertification has been accomplished* within 15 days after the date of expiration of the license, the department may close the airport.

(e)(f) The department may revoke any *airport registration, license, or license renewal thereof,* or refuse to allow registration or issue a registration or license renewal, if it determines:

1. That ~~the site there~~ has been ~~abandoned as an an-abandonment of~~ the airport as such;

2. That ~~the airport does not there has been a failure to~~ comply with the registration, license, license renewal, or site conditions of the license or renewal thereof; or

3. That, ~~because of changed physical or legal conditions or circumstances,~~ the airport has become either unsafe or unusable for flight operation due to physical or legal changes in conditions that were the subject of approval the aeronautical purposes for which the license or renewal was issued.

(3) EXEMPTIONS.—The provisions of this section do not apply to:

(a) An airport owned or operated by the United States.

(b) An ultralight aircraft landing area; ~~except that any public ultralight airport~~ located more than within 5 nautical miles from a of another public airport or military airport, ~~except or~~ any ultralight landing area with more than 10 ultralight aircraft operating from the site is subject to the provisions of this section.

(c) A helistop used solely in conjunction with a construction project undertaken pursuant to the performance of a state contract if the purpose of the helicopter operations at the site is to expedite construction.

~~(d) An airport under the jurisdiction or control of a county or municipal aviation authority or a county or municipal port authority or the Spaceport Florida Authority; however, the department shall license any such airport if such authority does not elect to exercise its exemption under this subsection.~~

~~(d)(e)~~ A helistop used by mosquito control or emergency services, not to include areas where permanent facilities are installed, such as hospital landing sites.

~~(e)(f)~~ An airport which meets the criteria of s. 330.27(11) used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year. Such proposed airports, which will be located within 3 miles of existing airports or approved airport sites, shall work out safe air-traffic patterns with such existing airports or approved airport sites, by memorandums of understanding, or by letters of agreement between the parties representing the airports or sites.

(4) EXCEPTIONS.—Private airports with ten or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27(5) in all other respects.

Section 21. Subsection (2) of section 330.35, Florida Statutes, is amended to read:

330.35 Airport zoning, approach zone protection.—

(2) Airports licensed for general public use under the provisions of s. 330.30 are eligible for airport zoning approach zone protection, and the procedure shall be the same as is prescribed in chapter 333.

Section 22. Subsection (2) of section 330.36, Florida Statutes, is amended to read:

330.36 Prohibition against county or municipal licensing of airports; regulation of seaplane landings.—

(2) A municipality may prohibit or otherwise regulate, for specified public health and safety purposes, the landing of seaplanes in and upon any public waters of the state which are located within the limits or jurisdiction of, or bordering on, the municipality upon adoption of zoning requirements in compliance with the provisions of subsection (1).

Section 23. Subsection (4) of section 332.004, Florida Statutes, is amended to read:

332.004 Definitions of terms used in ss. 332.003-332.007.—As used in ss. 332.003-332.007, the term:

(4) “Airport or aviation development project” or “development project” means any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the purchase of equipment; the acquisition of land, including land required as a condition of a federal, state, or local permit or agreement for environmental mitigation; off-airport noise mitigation projects; the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; and the improvement of access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located.

Section 24. Subsection (4) is added to section 333.06, Florida Statutes, to read:

333.06 Airport zoning requirements.—

(4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED LOCAL GOVERNMENTS.—An airport master plan shall be prepared by each publicly owned and operated airport licensed by the Department of Transportation under chapter 330. The authorized entity having responsibility for governing the operation of the airport, when either requesting from or submitting to a state or federal governmental agency with funding or approval jurisdiction a “finding of no significant impact,” an environmental assessment, a site-selection study, an airport master plan, or any amendment to an airport master plan, shall submit simultaneously a copy of said request, submittal, assessment, study, plan, or amendments by certified mail to all affected local governments. For the purposes of this subsection, “affected local government” is defined as any city or county having jurisdiction over the airport and any city or county located within 2 miles of the boundaries of the land subject to the airport master plan.

Section 25. Subsection (5) and paragraph (b) of subsection (15) of section 334.044, Florida Statutes, are amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of scenic highways, traffic and train safety awareness, alternatives to single-occupant vehicle travel, and commercial motor vehicle safety; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(15) To regulate and prescribe conditions for the transfer of stormwater to the state right-of-way as a result of manmade changes to adjacent properties.

(b) The department is specifically authorized to adopt rules which set forth the purpose; necessary definitions; permit exceptions; permit and assurance requirements; permit application procedures; permit forms; general conditions for a drainage permit; provisions for suspension or revocation of a permit; and provisions for department recovery of fines, penalties, and costs incurred due to permittee actions. In order to avoid duplication and overlap with other units of government, the department shall accept a surface water management permit issued by a water management district, the Department of Environmental Protection, a surface water management permit issued by a delegated local government, or a permit issued pursuant to an approved Stormwater Management Plan or Master Drainage Plan; provided issuance is based on requirements equal to or more stringent than those of the department. The department may enter into a permit delegation agreement with a governmental entity provided issuance is

based on requirements that the department determines will ensure the safety and integrity of the Department of Transportation facilities.

Section 26. Section 334.193, Florida Statutes, is amended to read:

334.193 Unlawful for certain persons to be financially interested in purchases, sales, and certain contracts; penalties.—

(1) It is unlawful for a state officer, or an employee or agent of the department, or for any company, corporation, or firm in which a state officer, or an employee or agent of the department has a financial interest, to bid on, enter into, or be personally interested in:

(a) The purchase or the furnishing of any materials or supplies to be used in the work of the state.

(b) A contract for the construction of any state road, the sale of any property, or the performance of any other work for which the department is responsible.

(2) Notwithstanding the provisions of subsection (1):

(a) The department may consider competitive bids or proposals by employees or employee work groups who have a financial interest in matters referenced in paragraphs (1)(a) and (b) when the subject matter of a request for bids or proposals by the department includes functions performed by the employees or employee work groups of the department before the request for bids or proposals. However, if the employees, employee work groups, or entity in which an employee of the department has an interest is the successful bidder or proposer, such employee or employees must resign from department employment upon executing an agreement to perform the matter bid upon.

(b) The department may consider competitive bids or proposals of employees or employee work groups submitted on behalf of the department to perform the subject matter of requests for bids or proposals. The department may select such bid or proposal for performance of the work by the department.

The department may update existing rules or adopt new rules pertaining to employee usage of department equipment, facilities, and supplies during business hours for nondepartment activities in order to implement this subsection.

(3) Any person who is convicted of a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and shall be removed from his or her office or employment.

Section 27. Section 334.30, Florida Statutes, is amended to read:

334.30 *Public-private* ~~Private~~ transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for *public-private partnership agreements* to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, ~~with legislative approval by a separate bill for each facility,~~ enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department is authorized to adopt rules to implement this section and shall by rule establish an application fee for the submission of proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before ~~seeking legislative~~ approval, the department must determine that the proposed project:

(a) Is in the public's best interest.;

(b) Would not require state funds to be used unless there is an overriding state interest. *However, the department may use state resources for a transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system.*; ~~and~~

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and citizens of the state in the event of default or cancellation of the agreement by the department.

The department shall ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity.

(2) *The use of funds from the State Transportation Trust Fund is limited to advancing projects already programmed in the adopted 5-year work program or to no more than a statewide total of \$50 million in capital costs for all projects not programmed in the adopted 5-year work program.*

(3) *The department may request proposals for public-private transportation proposals or, if the department receives a proposal, shall publish a notice in the Florida Administrative Weekly and a newspaper of general circulation at least once a week for 2 weeks, stating that the department has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected area.*

(4) *The department shall not commit funds in excess of the limitation in subsection (2) without specific project approval by the legislature.*

(5)(2) Agreements entered into pursuant to this section may authorize the private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues may be regulated by the department to avoid unreasonable costs to users of the facility.

(6)(3) Each ~~private~~ transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; department rules, policies, procedures, and standards for transportation facilities; and any other conditions which the department determines to be in the public's best interest.

(7)(4) The department may exercise any power possessed by it, including eminent domain, with respect to the development and construction of state transportation projects to facilitate the development and construction of transportation projects pursuant to this section. *For public-private facilities located on the State Highway System, the department may pay all or part of the cost of operating and maintaining the facility. For facilities not located on the State Highway System, the department may provide services to the private entity and-* agreements for maintenance, law enforcement, and other services ~~entered into pursuant to this section~~ shall provide for full reimbursement for services rendered.

(8)(5) Except as herein provided, the provisions of this section are not intended to amend existing laws by granting additional powers to, or further restricting, local governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

(9) *The department shall have the authority to create, or assist in the creation of, tax-exempt, public-purpose chapter 63-20 corporations as provided for under the Internal Revenue Code, for the purpose of shielding the state from possible financing risks for projects under this section. Chapter 63-20 corporations may receive State Transportation Trust Fund grants from the department. The department shall be empowered to enter into public-private partnership agreements with chapter 63-20 corporations for projects under this section.*

(10) *The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to chapter 63-20 corporations that propose projects containing toll facilities. To be eligible, the chapter 63-20 corporation must meet the provisions of s. 338.251 and must also provide credit support, such as a letter of credit or other means acceptable to the department, to ensure the loans will be repaid as required by law.*

(11)(6) Notwithstanding s. 341.327, a fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.

Section 28. Section 335.066, Florida Statutes, is created to read:

335.066 *Safe Paths to Schools Program.*—

(1) *There is hereby established within the Department of Transportation the Safe Paths to Schools Program to consider the planning and construction of bicycle and pedestrian ways to provide safe transportation for children from neighborhoods to schools, parks, and the state's greenways and trails system.*

(2) *As part of the Safe Paths to Schools Program, the department may establish a grant program to fund local, regional, and state bicycle and pedestrian projects that support the program.*

(3) *The department may adopt appropriate rules for the administration of the Safe Paths to Schools Program.*

Section 29. Subsections (3), (4), and (5) of section 335.141, Florida Statutes, are amended to read:

335.141 Regulation of public railroad-highway grade crossings; reduction of hazards.—

~~(3) The department is authorized to regulate the speed limits of railroad traffic on a municipal, county, regional, or statewide basis. Such speed limits shall be established by order of the department, which order is subject to the provisions of chapter 120. The department shall have the authority to adopt reasonable rules to carry out the provisions of this subsection. Such rules shall, at a minimum, provide for public input prior to the issuance of any such order.~~

~~(4) Jurisdiction to enforce such orders shall be as provided in s. 316.640, and any penalty for violation thereof shall be imposed upon the railroad company guilty of such violation. Nothing herein shall prevent a local governmental entity from enacting ordinances relating to the blocking of streets by railroad engines and cars.~~

~~(4)(5) Any local governmental entity or other public or private agency planning a public event, such as a parade or race, that involves the crossing of a railroad track shall notify the railroad as far in advance of the event as possible and in no case less than 72 hours in advance of the event so that the coordination of the crossing may be arranged by the agency and railroad to assure the safety of the railroad trains and the participants in the event.~~

Section 30. Section 336.12, Florida Statutes, is amended to read:

336.12 Closing and abandonment of roads; termination of easement; conveyance of fee; *optional conveyance for gated communities.*—

(1) *Except as otherwise provided in subsection (2), the act of any commissioners in closing or abandoning any such road, or in renouncing or disclaiming any rights in any land delineated on any recorded map as a road, shall abrogate the easement theretofore owned, held, claimed or used by or on behalf of the public and the title of fee owners shall be freed and released therefrom; and if the fee of road space has been vested in the county, same will be thereby surrendered and will vest in the abutting fee owners to the extent and in the same manner as in case of termination of an easement for road purposes.*

(2) *The governing body of the county may abandon the roads and rights-of-way dedicated in a recorded residential subdivision plat and simultaneously convey the county's interest in such roads, rights-of-way, and appurtenant drainage facilities to a homeowners' association for the subdivision, if the following conditions have been met:*

(a) *The homeowners' association has requested the abandonment and conveyance in writing for the purpose of converting the subdivision to a gated neighborhood with restricted public access.*

(b) *No fewer than four-fifths of the owners of record of property located in the subdivision have consented in writing to the abandonment and simultaneous conveyance to the homeowners' association.*

(c) *The homeowners' association is both a corporation not for profit organized and in good standing under chapter 617, and a "homeowners' association" as defined in s. 720.301(7) with the power to levy and collect assessments for routine and periodic major maintenance and operation of street lighting, drainage, sidewalks, and pavement in the subdivision.*

(d) *The homeowners' association has entered into and executed such agreements, covenants, warranties, and other instruments; has provided, or has provided assurance of, such funds, reserve funds, and funding sources; and has satisfied such other requirements and conditions as may be established or imposed by the county with respect to the ongoing operation, maintenance, and repair and the periodic reconstruction or replacement of the roads, drainage, street lighting, and sidewalks in the subdivision after the abandonment by the county.*

Upon abandonment of the roads and rights-of-way and the conveyance thereof to the homeowners' association, the homeowners' association shall have all the rights, title, and interests in the roads and rights-of-way, including all appurtenant drainage facilities, as were previously vested in the county. Thereafter, the homeowners' association shall hold the roads and rights-of-way in trust for the benefit of the owners of the property in the subdivision, and shall operate, maintain, repair, and, from time to time, replace and reconstruct the roads, street lighting, sidewalks, and drainage facilities as necessary to ensure their use and enjoyment by the property owners, tenants, and residents of the subdivision and their guests and invitees.

Section 31. Subsection (4) is added to section 336.41, Florida Statutes, to read:

336.41 Counties; employing labor and providing road equipment; definitions.—

(4)(a) *For contracts in excess of \$250,000, any county may require that persons interested in performing work under the contract first be certified or qualified to do the work. Any contractor prequalified and considered eligible to bid by the department to perform the type of work described under the contract shall be presumed to be qualified to perform the work so described. Any contractor may be considered ineligible to bid by the county if the contractor is behind an approved progress schedule by 10 percent or more on another project for that county at the time of the advertisement of the work. The county may provide an appeal process to overcome such consideration with de novo review based on the record below to the circuit court.*

(b) *The county shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications shall include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures shall provide for an appeal process within the county for objections to the prequalification process with de novo review based on the record below to the circuit court.*

(c) *The county shall also publish for comment, prior to adoption, the selection criteria and procedures to be used by the county if such procedures would allow selection of other than the lowest responsible bidder. The selection criteria shall include an appeal process within the county with de novo review based on the record below to the circuit court.*

Section 32. Subsection (2) of section 336.44, Florida Statutes, is amended to read:

336.44 Counties; contracts for construction of roads; procedure; contractor's bond.—

(2) Such contracts shall be let to the lowest *responsible competent* bidder, after publication of notice for bids containing specifications furnished by the commissioners in a newspaper published in the county where such contract is made, at least once each week for 2 consecutive weeks prior to the making of such contract.

Section 33. Section 337.107, Florida Statutes, is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 or s. 337.025 for right-of-way services on transportation corridors and transportation facilities or the department may include right-of-way services as part of design-build

contracts awarded pursuant to s. 337.11. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 34. Paragraph (c) of subsection (6) and paragraph (a) of subsection (7) of section 337.11, Florida Statutes, are amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(6)

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the ~~threshold amount of \$120,000 provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts for construction and maintenance without advertising and receiving competitive bids. ~~However, if legislation is enacted by the Legislature which changes the category thresholds, the threshold amount shall remain at \$60,000.~~ The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

1. To ensure timely completion of projects or avoidance of undue delay for other projects;
2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or
3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a building, a major bridge, *an enhancement project*, or a rail corridor project into a single contract. Such contract is referred to as a design-build contract. *Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (c) of subsection (3). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of such portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.*

Section 35. Subsection (4) of section 337.14, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(4) If the applicant is found to possess the prescribed qualifications, the department shall issue to him or her a certificate of qualification ~~that which~~, unless thereafter revoked by the department for good cause, will be valid for a period of 18 ~~16~~ months ~~after from~~ the date of the applicant's financial statement or such shorter period as the department ~~prescribes may prescribe~~. ~~If in the event~~ the department finds that an application is incomplete or contains inadequate information or information ~~that which~~ cannot be verified, the department may request in writing that the applicant provide the necessary information to complete the application or provide the source from which any information in the application may be verified. If the applicant fails to comply with the initial written request within a reasonable period of

time as specified therein, the department shall request the information a second time. If the applicant fails to comply with the second request within a reasonable period of time as specified therein, the application shall be denied.

(9)(a) *Notwithstanding any other law to the contrary, for contracts in excess of \$250,000, an authority created pursuant to chapter 348 or chapter 349 may require that persons interested in performing work under contract first be certified or qualified to do the work. Any contractor may be considered ineligible to bid by the governmental entity or authority if the contractor is behind an approved progress schedule for the governmental entity or authority by 10 percent or more at the time of advertisement of the work. Any contractor prequalified and considered eligible by the department to bid to perform the type of work described under the contract shall be presumed to be qualified to perform the work so described. The governmental entity or authority may provide an appeal process to overcome that presumption with de novo review based on the record below to the circuit court.*

(b) *With respect to contractors not prequalified with the department, the authority shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications shall include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures shall provide for an appeal process within the authority for objections to the prequalification process with de novo review based on the record below to the circuit court within 30 days.*

(c) *An authority may establish criteria and procedures whereunder contractor selection may occur on a basis other than the lowest responsible bidder. Prior to adoption, the authority shall publish for comment the proposed criteria and procedures. Review of the adopted criteria and procedures shall be to the circuit court, within 30 days after adoption, with de novo review based on the record below.*

Section 36. Subsection (2) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(2) The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. No utility shall be installed, located, or relocated unless authorized by a written permit issued by the authority. *However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit.* The permit shall require the permitholder to be responsible for any damage resulting from the issuance of such permit. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce provisions of this subsection or any rule or order issued or entered into pursuant thereto.

Section 37. Subsections (1) and (2) of section 339.08, Florida Statutes, are amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall ~~expend by rule provide for the expenditure of the~~ moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget.

(2) ~~These rules must restrict~~ The use of such moneys *shall be restricted* to the following purposes:

- (a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.
- (b) To pay the cost of construction of the State Highway System.
- (c) To pay the cost of maintaining the State Highway System.
- (d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007.

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) To lend or pay a portion of the operating, maintenance, and capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

(h) To match any federal-aid funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.

(i) To pay the cost of county road projects selected in accordance with the Small County Road Assistance Program created in s. 339.2816.

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817 and the Small County Outreach Program created in s. 339.2818.

(k) To provide loans and credit enhancements for use in constructing and improving highway transportation facilities selected in accordance with the state-funded infrastructure bank created in s. 339.55.

(l) To fund the Transportation Outreach Program created in s. 339.137.

(m) To pay other lawful expenditures of the department.

Section 38. Paragraph (c) of subsection (4) and subsection (5) of section 339.12, Florida Statutes, are amended, to read:

339.12 Aid and contributions by governmental entities for department projects; federal aid.—

(4)

(c) The department may enter into agreements under this subsection for a project or project phase not included in the adopted work program. As used in this paragraph, the term "project phase" means acquisition of rights-of-way, construction, construction inspection, and related support phases. The project or project phase must be a high priority of the governmental entity. Reimbursement for a project or project phase must be made from funds appropriated by the Legislature pursuant to s. 339.135(5). All other provisions of this subsection apply to agreements entered into under this paragraph. The total amount of project agreements for projects or project phases not included in the adopted work program may not at any time exceed \$150 ~~\$100~~ million.

(5) The department and the governing body of a governmental entity may enter into an agreement by which the governmental entity agrees to perform a highway project or project phase in the department's adopted work program that is not revenue producing or any public transportation project in the adopted work program. By specific provision in the written agreement between the department and the governing body of the governmental entity, the department may agree to ~~compensate~~ ~~reimburse~~ the governmental entity the actual cost of ~~for~~ the project or project phase contained in the adopted work program. ~~Compensation~~ ~~Reimbursement~~ to the governmental entity for such project or project phases must be made from funds appropriated by the Legislature, and ~~compensation~~ ~~reimbursement~~ for the cost of the project or project phase is to begin in the year the project or project phase is scheduled in the work program as of the date of the agreement.

Section 39. Paragraphs (a), (b), (f), and (g) of subsection (4) of section 339.135, Florida Statutes, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike ~~enterprise district~~, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052.

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Intrastate Highway System established pursuant to s. 338.001. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term "new discretionary highway capacity funds" means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the Florida Transportation Plan required in s. 339.155 and must comply with the program funding levels contained in the program and resource plan.

3. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that the first 5 years of the adopted work program for facilities designated as part of the Florida Intrastate Highway System and the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans. (f) The central office shall submit a preliminary copy of the tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and the Department of Community Affairs at least 14 days prior to the convening of the regular legislative session. Prior to the statewide public hearing required by paragraph (g), the Department of Community Affairs shall transmit to the Florida Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified as being inconsistent with approved local government comprehensive plans. For urbanized areas of metropolitan planning organizations, the list may not contain any project or project phase that is scheduled in a

transportation improvement program unless such inconsistency has been previously reported to the affected metropolitan planning organization. ~~The commission shall consider the list as part of its evaluation of the tentative work program conducted pursuant to s. 20.23.~~

(g) The Florida Transportation Commission shall conduct a statewide public hearing on the tentative work program and shall advertise the time, place, and purpose of the hearing in the Florida Administrative Weekly at least 7 days prior to the hearing. As part of the statewide public hearing, the commission shall, at a minimum:

1. Conduct an in-depth evaluation of the tentative work program as ~~required in s. 20.23~~ for compliance with applicable laws and departmental policies; and

2. Hear all questions, suggestions, or other comments offered by the public.

By no later than 14 days after the regular legislative session begins, the commission shall submit to the Executive Office of the Governor and the legislative appropriations committees a report that evaluates the tentative work program for:

- a. Financial soundness;
- b. Stability;
- c. Production capacity;
- d. Accomplishments, including compliance with program objectives in s. 334.046;
- e. Compliance with approved local government comprehensive plans;
- f. Objections and requests by metropolitan planning organizations;
- g. Policy changes and effects thereof;
- h. Identification of statewide or regional projects; and
- i. Compliance with all other applicable laws.

Section 40. Section 339.137, Florida Statutes, is amended to read:

339.137 Transportation Outreach Program (TOP) supporting economic development; administration; definitions; eligible projects; Transportation Outreach Program (TOP) advisory council created; limitations; funding.—

(1) There is created within the Department of Transportation, a Transportation Outreach Program (TOP) dedicated to funding transportation projects of a high priority based on the prevailing principles of ~~preserving the existing transportation infrastructure~~; enhancing Florida's economic growth and competitiveness in national and international markets; promoting intermodal transportation linkages for passengers and freight; and improving travel choices to ensure efficient and cost-competitive mobility for Florida citizens, visitors, services, and goods.

(2) For purposes of this section, words and phrases shall have the following meanings:

(a) ~~Preservation. Protecting the state's transportation infrastructure investment. Preservation includes:~~

1. ~~Ensuring that 80 percent of the pavement on the State Highway System meets department standards;~~

2. ~~Ensuring that 90 percent of department maintained bridges meet department standards; and~~

3. ~~Ensuring that the department achieves 100 percent of acceptable maintenance standards on the State Highway System.~~

(b) Economic growth and competitiveness.—Ensuring that state transportation investments promote economic activities which result in development or retention of income generative industries which

increase per capita earned income in the state, and that such investments improve the state's economic competitiveness.

(b)(e) Mobility.—Ensuring a cost-effective, statewide, interconnected transportation system.

(c)(d) The term “regionally significant transportation project of critical concern” means a transportation facility improvement project located in one or more counties ~~county~~ which provides significant enhancement of economic development opportunities in that region ~~an adjoining county or counties and which provides improvements to a hurricane evacuation route.~~

(3) *Transportation Outreach Program projects may be proposed by any local government, regional organization, economic development board, public or private partnership, metropolitan planning organization, state agency, or other entity engaged in economic development activities.*

(4)(3) *Proposed ~~eligible~~ projects that meet the minimum eligibility threshold include those for planning, designing, acquiring rights-of-way for, or constructing the following:*

(a) Major highway improvements to:-

1. *The Florida Intrastate Highway System.*
2. *Major roads and feeder roads which provide linkages to the Florida Intrastate Highway System ~~major highways.~~*
3. *Bridges of statewide or regional significance.*
4. *Trade and economic development corridors.*
5. *Access projects for freight and passengers.*
6. *Hurricane evacuation routes.*

(b) Major public transportation projects:-

1. *Seaport projects which improve cargo and passenger movements or connect the seaports to other modes of transportation.*
2. *Aviation projects which increase passenger enplanements and cargo activity or connect airports to other modes of transportation.*
3. *Transit projects which improve mobility on interstate highways, or which improve regional or localized travel, or connect to other modes of transportation.*
4. *Rail projects that facilitate the movement of passengers and cargo, including ancillary pedestrian facilities, or connect rail facilities to other modes of transportation.*
5. *Spaceport Florida Authority projects which improve space transportation capacity and facilities consistent with the provisions of s. 331.360.*
6. ~~Bicycle and pedestrian facilities that add to or enhance a statewide system of public trails.~~

(c) Highway and bridge projects that facilitate retention and expansion of military installations, or that facilitate reuse and development of any military base designated for closure by the Federal Government.

Each proposed project must be able to document that it promotes economic growth and competitiveness, as defined in paragraph (2)(a).

(5) *In addition to the above minimum eligibility requirements, each proposed project must comply with the following eligibility criteria:*

(a) *The project or project phase selected can be made production-ready within a 5-year period following the end of the current fiscal year.*

(b) *The project is consistent with a current transportation system plan such as the Florida Intrastate Highway System, aviation, intermodal/rail, seaport, spaceport, or transit system plans.*

(c) ~~The project is not inconsistent with an approved local comprehensive plan of any local government within whose boundaries the project is located in whole or in part, or, if inconsistent, is accompanied by an explanation of why the project should be undertaken.~~

~~One or more of the minimum criteria listed in paragraphs (a)-(c) may be waived for a regionally significant transportation project.~~

~~(4) Transportation Outreach projects may be proposed by any local government, regional organization, economic development board, public or private partnership, metropolitan planning organization, state agency, or other entity engaged in economic development activities.~~

~~(6)(5) The following criteria shall be used. Transportation funding under this section shall use the following mechanisms to prioritize the eligible proposed projects:~~

~~(a) The project must promote economic growth and competitiveness. Economic development related transportation projects may compete for funding under the program. Projects funded under this program should provide for increased mobility on the state's transportation system. Projects which have local or private matching funds may be given priority over other projects.~~

~~(b) The project must promote intermodal transportation linkages for passengers and freight. Establishment of a funding allocation under this program reserved to quickly respond to transportation needs of emergent economic competitiveness development projects that may be outside of the routine project selection process. This funding may be used to match local or private contributions for transportation projects which meet the definition of economic competitiveness contained in this section.~~

~~(c) The project must broaden transportation choices for Florida residents, visitors, and commercial interests in order to ensure efficient and cost-competitive mobility of people, services, and goods. Establish innovative financing methods to enable the state to respond in a timely manner to major or emergent economic development related transportation needs that require timely commitments. These innovative financing methods include, but are not limited to, the state infrastructure bank, state bonds for right-of-way acquisition and bridge construction, state bonds for fixed guideway transportation systems, state bonds for federal aid highway construction, funds previously programmed by the department for high-speed rail development, and any other local, state, or federal funds made available to the department.~~

~~(d) Projects that have local, federal, or private matching funds shall be given priority over projects that meet all the other criteria.~~

~~(7) Eligible projects shall also utilize innovative financing methods that enable the state to respond in a timely manner to major or emergent economic development-related transportation needs that require timely commitments. These innovative financing methods include, but are not limited to, private investment strategies, use of the state infrastructure bank, state bonds for right-of-way acquisition and bridge construction, state bonds for fixed guideway transportation systems, state bonds for federal aid highway construction, funds previously programmed by the department for high-speed rail development, and any other local, state, or federal funds made available to the department.~~

~~(6) In addition to complying with the prevailing principles provided in subsection (1), to be eligible for funding under the program, projects must also meet the following minimum criteria:~~

~~(a) The project or project phase selected can be made production-ready within a 5-year period following the end of the current fiscal year.~~

~~(b) The project is listed in an outer year of the 5-year work program and can be made production-ready and advanced to an earlier year of the 5-year work program.~~

~~(c) The project is consistent with a current transportation system plan including, but not limited to, the Florida Intrastate Highway System, aviation, intermodal/rail, seaport, spaceport, or transit system plans.~~

~~(d) The project is not inconsistent with an approved local comprehensive plan of any local government within whose boundaries the project is located in whole or in part or, if inconsistent, is accompanied by an explanation of why the project should be undertaken.~~

~~(e) One or more of the minimum criteria listed in paragraphs (a)-(d) may be waived for a statewide or regionally significant transportation project of critical concern.~~

~~(8)(7) The Transportation Outreach Program (TOP) advisory council is created to annually make recommendations to the Legislature on prioritization and selection of economic growth projects as provided in this section.~~

~~(a) The council shall consist of:~~

~~(a) The following seven members, each representing districts 1 through 7, who will serve for 2-year terms:~~

~~1. Members representing districts 1, 3, 5, and 7, who will be appointed by the Speaker of the House of Representatives; and~~

~~2. Members representing districts 2, 4, and 6, who will be appointed by the President of the Senate.~~

~~The district appointments provided in this paragraph will alternate between the Senate and the House of Representatives.~~

~~(b) Four members, who will be appointed by the Governor and will serve for 4-year terms.~~

~~Each council member will be allowed one vote.~~

~~1. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Speaker of the House of Representatives.~~

~~2. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the President of the Senate.~~

~~3. Three representatives of private or governmental interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Governor.~~

~~(b) Terms for council members shall be 2 years, and each member shall be allowed one vote.~~

~~(c) Initial appointments must be made no later than 60 days after this act takes effect. Vacancies in the council shall be filled in the same manner as the initial appointments.~~

~~(d) The council shall hold its initial meeting no later than 30 days after the members have been appointed in order to organize and select a chair and vice chair from the council membership. Meetings shall be held at the call of the chair, but not less frequently than quarterly.~~

~~(e) The members of the council shall serve without compensation, but shall be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

~~(f) The department shall provide administrative staff support, ensuring that council meetings are electronically recorded. Such recordings and all documents received, prepared for, or used by the council in conducting its business shall be preserved pursuant to chapters 119 and 257. In addition, the department shall provide in its annual budget for travel and per diem expenses for the council.~~

~~(g) The council shall develop a methodology for scoring and ranking project proposals, based on the prioritization criteria in subsection (6). The council may change a project's ranking based on other factors as determined by the council. However, such other factors must be fully documented in writing by the council.~~

~~(h) The council is encouraged to seek input from transportation or economic-development entities and to consider the reports and recommendations of task forces, study commissions, or similar entities charged with reviewing issues relevant to the council's mission.~~

(9)(8) Because transportation investment plays a key role in economic development, the council and the department shall actively participate in state and local economic development programs, including:

(a) Working in partnership with other state and local agencies in business recruitment, expansion, and retention activities to ensure early transportation input into these activities.

(b) Providing expertise and rapid response in analyzing the transportation needs of emergent economic development projects.

(c) ~~Developing The council and department must develop~~ a macroeconomic analysis of the linkages between transportation investment and economic performance, as well as a method to quantifiably measure the economic benefits of the investments.

(d) ~~Identifying long-term strategic transportation projects that will promote the principles listed in subsection (1).~~

(10)(9) The council shall review and prioritize projects submitted for funding under the program with priority given to projects which comply with the prevailing principles provided in subsection (1), and shall recommend to the Legislature a transportation outreach program. The department shall provide technical expertise and support as requested by the council, and shall develop financial plans, cash forecast plans, and program and resource plans necessary to implement this program. These supporting documents shall be submitted with the Transportation Outreach Program.

(11)(a)(10) Projects recommended for funding under the Transportation Outreach Program shall be submitted to the *Florida Transportation Commission* at least 30 days before the start of the regular legislative session. The *Florida Transportation Commission* shall review the projects to determine whether they are in compliance with this section and prepare a report detailing its findings.

(b) The council shall submit its list of recommended projects to the Governor and the Legislature as a separate budget request submitted at the same time as section of the department's tentative work program, which is 14 days before the start of the regular session. The *Florida Transportation Commission* shall submit its written report at the same time to the Governor and the Legislature. Final approval of the Transportation Outreach Program project list shall be made by the Legislature through the General Appropriations Act. Program projects approved by the Legislature must be included in the department's adopted work program.

(12)(11) For purposes of funding projects under the *Transportation Outreach Program*, the department shall allocate from the State Transportation Trust Fund in its program and resource plan a minimum of \$60 million each year beginning in fiscal year 2001-2002 for a transportation outreach program. This funding is to be reserved for projects to be funded pursuant to this section under the *Transportation Outreach Program*. This allocation of funds is in addition to any funding provided to this program by any other provision of law.

(13)(12) Notwithstanding any other law to the contrary the requirements of ss. 206.46(3), 206.606(2), 339.135, 339.155, and 339.175 shall not apply to the *Transportation Outreach Program*.

(14)(13) The department is authorized to adopt rules to implement the *Transportation Outreach Program* supporting economic development.

Section 41. Subsection (5) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit programs and projects.—

(5) FUND PARTICIPATION; CAPITAL ASSISTANCE.—

(a) The department may fund up to 50 percent of the nonfederal share of the costs, not to exceed the local share, of any eligible public transit capital project or commuter assistance project that is local in

scope; except, however, that departmental participation in the final design, right-of-way acquisition, and construction phases of an individual fixed-guideway project which is not approved for federal funding shall not exceed an amount equal to 12.5 percent of the total cost of each phase.

~~(b) The Department of Transportation shall develop a major capital investment policy which shall include policy criteria and guidelines for the expenditure or commitment of state funds for public transit capital projects. The policy shall include the following:~~

~~1. Methods to be used to determine consistency of a transit project with the approved local government comprehensive plans of the units of local government in which the project is located.~~

~~2. Methods for evaluating the level of local commitment to a transit project, which is to be demonstrated through system planning and the development of a feasible plan to fund operating cost through fares, value capture techniques such as joint development and special districts, or other local funding mechanisms.~~

~~3. Methods for evaluating alternative transit systems including an analysis of technology and alternative methods for providing transit services in the corridor.~~

(b)(e) The department is authorized to fund up to 100 percent of the cost of any eligible transit capital project or commuter assistance project that is statewide in scope or involves more than one county where no other governmental entity or appropriate jurisdiction exists.

(c)(d) The department is authorized to advance up to 80 percent of the capital cost of any eligible project that will assist Florida's transit systems in becoming fiscally self-sufficient. Such advances shall be reimbursed to the department on an appropriate schedule not to exceed 5 years after the date of provision of the advances.

(d)(e) The department is authorized to fund up to 100 percent of the capital and net operating costs of statewide transit service development projects or transit corridor projects. All transit service development projects shall be specifically identified by way of a departmental appropriation request, and transit corridor projects shall be identified as part of the planned improvements on each transportation corridor designated by the department. The project objectives, the assigned operational and financial responsibilities, the timeframe required to develop the required service, and the criteria by which the success of the project will be judged shall be documented by the department for each such transit service development project or transit corridor project.

(e)(f) The department is authorized to fund up to 50 percent of the capital and net operating costs of transit service development projects that are local in scope and that will improve system efficiencies, ridership, or revenues. All such projects shall be identified in the appropriation request of the department through a specific program of projects, as provided for in s. 341.041, that is selectively applied in the following functional areas and is subject to the specified times of duration:

1. Improving system operations, including, but not limited to, realigning route structures, increasing system average speed, decreasing deadhead mileage, expanding area coverage, and improving schedule adherence, for a period of up to 3 years;

2. Improving system maintenance procedures, including, but not limited to, effective preventive maintenance programs, improved mechanics training programs, decreasing service repair calls, decreasing parts inventory requirements, and decreasing equipment downtime, for a period of up to 3 years;

3. Improving marketing and consumer information programs, including, but not limited to, automated information services, organized advertising and promotion programs, and signing of designated stops, for a period of up to 2 years; and

4. Improving technology involved in overall operations, including, but not limited to, transit equipment, fare collection techniques,

electronic data processing applications, and bus locators, for a period of up to 2 years.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 42. Subsection (10) of section 341.302, Florida Statutes, is amended to read:

341.302 Rail program, duties and responsibilities of the department.—The department, in conjunction with other governmental units and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under Title 49 C.F.R. part 212, the department shall:

(10) Administer rail operating and construction programs, which programs shall include ~~the regulation of maximum train operating speeds, the opening and closing of public grade crossings, the construction and rehabilitation of public grade crossings, and the installation of traffic control devices at public grade crossings, the administering of the programs by the department~~ including participation in the cost of the programs.

Section 43. Paragraph (d) of subsection (2) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(d) Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body of an authority shall consist of up to 13 members, and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Seven voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Five voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority. If the governing board of an authority includes any member originally appointed by the governing body of the county as a nonvoting member, when the term of such member expires, that member shall be replaced by a member appointed by the Governor until the governing body of the authority is composed of seven members appointed by the governing body of the county and five members appointed by the Governor. *The qualifications, the terms of office, and the obligations and rights of members of the authority shall be determined by resolution or ordinance of the governing body of the county in a manner that is consistent with subsections (3) and (4).*

Section 44. Section 348.0012, Florida Statutes, is amended to read:

348.0012 Exemptions from applicability.—The Florida Expressway Authority Act does not apply:

(1) ~~To in a county in which~~ an expressway authority *which* has been created pursuant to parts II-IX of this chapter; or

(2) To a transportation authority created pursuant to chapter 349.

Section 45. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway

System are hereby approved to be refinanced by the issuance of revenue bonds by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution. In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds pursuant to s. 11(f), Art. VII of the State Constitution:

(1) Brandon area feeder roads;

(2) Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment; ~~and~~

(3) Lee Roy Selmon Crosstown Expressway System widening; ~~and~~

(4) *The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4.*

Section 46. Paragraph (b) of subsection (1) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(1)

(b) It is the express intention of this part that said authority, in the construction of said Orlando-Orange County Expressway System, shall be authorized to *acquire, finance, construct, and equip* any extensions, additions, or improvements to said system, or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access *as the authority shall deem desirable and proper, together with such changes, modifications, or revisions to of said system or appurtenant facilities project as the authority shall deem be deemed* desirable and proper.

Section 47. Section 348.7543, Florida Statutes, is amended to read:

348.7543 Improvements, bond financing authority for.—Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves for bond financing by the Orlando-Orange County Expressway Authority *the cost of acquiring, constructing, equipping, improving, or refurbishing any expressway system, including improvements to toll collection facilities, interchanges, future extensions and additions, necessary approaches, roads, bridges, and avenues of access to the legislatively approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system, all as deemed desirable and proper by the authority pursuant to s. 348.754(1)(b).* Subject to terms and conditions of applicable revenue bond resolutions and covenants, such ~~costs financing~~ may be *financed* in whole or in part by revenue bonds *issued pursuant to s. 348.755(1)(a) or (b) whether* currently issued, issued in the future, or by a combination of such bonds.

Section 48. Section 348.7544, Florida Statutes, is amended to read:

348.7544 Northwest Beltway Part A, construction authorized; financing.—Notwithstanding s. 338.2275, the Orlando-Orange County Expressway Authority is hereby authorized to construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Northwest Beltway Part A, extending from Florida's Turnpike near Ocoee north to U.S. 441 near Apopka, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. *This project may be refinanced with bonds issued by the authority pursuant to s. 348.755(1)(d).*

Section 49. Section 348.7545, Florida Statutes, is amended to read:

348.7545 Western Beltway Part C, construction authorized; financing.—Notwithstanding s. 338.2275, the Orlando-Orange County Expressway Authority is authorized to exercise its condemnation powers, construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Western Beltway Part C, extending

from Florida's Turnpike near Ocoee in Orange County southerly through Orange and Osceola Counties to an interchange with I-4 near the Osceola-Polk County line, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. *This project may be refinanced with bonds issued by the authority pursuant to s. 348.755(1)(d).*

Section 50. Subsection (1) of section 348.755, Florida Statutes, is amended to read:

348.755 Bonds of the authority.—

(1)(a) *Bonds may be issued on behalf of the authority pursuant to the State Bond Act.*

(b) *Alternatively, the authority may issue its own bonds pursuant to the provisions of this part at such times and in such principal amount as, in the opinion of the authority, is necessary to provide sufficient moneys for achieving its purposes; however, such bonds shall not pledge the full faith and credit of the state. Bonds issued by the authority pursuant to paragraphs (a) or (b) shall be authorized by resolution of the members thereof and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals or other charges or receipts of the authority including the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and shall have the seal of the authority affixed, imprinted, reproduced or lithographed thereon, all as may be prescribed in such resolution or resolutions.*

(c)(b) ~~Said~~ *Bonds issued pursuant to paragraphs (a) and (b) shall be sold at public sale in the same manner provided by the State Bond Act. However, if the authority shall, by official action at a public meeting, determine that a negotiated sale of such the bonds is in the best interest of the authority, the authority may negotiate for sale of the bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance of the State Board of Administration with respect to bonds issued pursuant to paragraph (a) or the authority with respect to bonds issued pursuant to paragraph (b). The authority's determination to negotiate the sale of such bonds may be based in part upon the written advice of its financial advisor. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.*

(d) *The authority may issue bonds pursuant to paragraph (b) to refund any bonds previously issued regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act.*

Section 51. Section 348.765, Florida Statutes, is amended to read:

348.765 This part complete and additional authority.—

(1) The powers conferred by this part shall be in addition and supplemental to the existing powers of said board and the department, and this part shall not be construed as repealing any of the provisions, of any other law, general, special or local, but to supersede such other

laws in the exercise of the powers provided in this part, and to provide a complete method for the exercise of the powers granted in this part. The extension and improvement of said Orlando-Orange County Expressway System, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special or local law, *including, but not limited to, s. 215.821*, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in said County of Orange, or in said City of Orlando, or in any other political subdivision of the state, shall be required for the issuance of such bonds pursuant to this part.

(2) This part shall not be deemed to repeal, rescind, or modify any other law or laws relating to said State Board of Administration, said Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but shall be deemed to and shall supersede such other law or laws as are inconsistent with the provisions of this part, *including, but not limited to, s. 215.821*.

Section 52. Subsections (1) through (6) and subsection (8) of section 373.4137, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

373.4137 Mitigation requirements.—

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation *or a transportation authority established pursuant to chapter 348 or chapter 349* can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the Department of Environmental Protection and the water management districts, including the use of mitigation banks established pursuant to this part.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation *or a transportation authority established pursuant to chapter 348 or chapter 349* shall be developed as follows:

(a) By May 1 of each year, the Department of Transportation *or a transportation authority established pursuant to chapter 348 or chapter 349* shall submit to the Department of Environmental Protection and the water management districts a copy of its adopted work program and an inventory of habitats addressed in the rules tentatively, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by its plan of construction for transportation projects in the next 3 years of the tentative work program. The Department of Transportation *or a transportation authority established pursuant to chapter 348 or chapter 349* may also include in its inventory the habitat impacts of any future transportation project identified in the tentative work program.

(b) The environmental impact inventory shall include a description of these habitat impacts, including their location, acreage, and type; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a survey of threatened species, endangered species, and species of special concern affected by the proposed project.

(3)(a) To fund the mitigation plan for the projected impacts identified in the inventory described in subsection (2), the Department of Transportation shall identify funds quarterly in an escrow account within the State Transportation Trust Fund for the environmental mitigation phase of projects budgeted by the Department of Transportation for the current fiscal year. The escrow account will be maintained by the Department of Transportation for the benefit of the Department of Environmental Protection and the water management districts. Any interest earnings from the escrow account shall remain with the Department of Transportation.

(b) *Each transportation authority established pursuant to chapter 348 or chapter 349 that chooses to participate in this program shall create an escrow account within its financial structure and deposit funds in the account to pay for the environmental mitigation phase of projects budgeted for the current fiscal year. The escrow account will be maintained by the authority for the benefit of the Department of Environmental Protection and the water management districts. Any interest earnings from the escrow account shall remain with the authority.*

(c) The Department of Environmental Protection or water management districts may request a transfer of funds from an the escrow account no sooner than 30 days prior to the date the funds are needed to pay for activities associated with development or implementation of the approved mitigation plan described in subsection (4) for the current fiscal year, including, but not limited to, design, engineering, production, and staff support. Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation or the appropriate transportation authority and the Department of Environmental Protection by November 1 of each year with the plan. The conceptual plan preparation costs of each water management district will be paid based on the amount approved on the mitigation plan and allocated to the current fiscal year projects identified by the water management district. The amount transferred to the escrow accounts ~~account~~ each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 shall correspond to a cost per acre of \$75,000 multiplied by the projected acres of impact identified in the inventory described in subsection (2). However, the \$75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions nor is the cost admissible as evidence of full compensation for any property acquired by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. At the end of each year, the projected acreage of impact shall be reconciled with the acreage of impact of projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer of funds shall be adjusted accordingly to reflect the overtransfer or undertransfer of funds from the preceding year. The Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 are authorized to transfer such funds from the escrow accounts ~~account~~ to the Department of Environmental Protection and the water management districts to carry out the mitigation programs.

(4) Prior to December 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant invasive plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) waterbodies and lands identified for potential acquisition for preservation, restoration, and enhancement, to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the

transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569. At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(a) For each transportation project with a funding request for the next fiscal year, the mitigation plan must include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option, including an estimation of identifiable costs of the mitigation bank and nonbank options to the extent practicable.

(b) Specific projects may be excluded from the mitigation plan and shall not be subject to this section upon the agreement of the Department of Transportation, a transportation authority if applicable, the Department of Environmental Protection, and the appropriate water management district that the inclusion of such projects would hamper the efficiency or timeliness of the mitigation planning and permitting process, or the Department of Environmental Protection and the water management district are unable to identify mitigation that would offset the impacts of the project.

(c) Surface water improvement and management or invasive plant control projects undertaken using the \$12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 which meet the requirements for mitigation under this part and 33 U.S.C. s. 1344 shall remain available for mitigation until the \$12 million is fully credited up to and including fiscal year 2004-2005. When these projects are used as mitigation, the \$12 million advance shall be reduced by \$75,000 per acre of impact mitigated. For any fiscal year through and including fiscal year 2004-2005, to the extent the cost of developing and implementing the mitigation plans is less than the amount transferred pursuant to subsection (3), the difference shall be credited towards the \$12 million advance. Except as provided in this paragraph, any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund invasive plant control within wetlands and other surface waters.

(5) The water management district shall be responsible for ensuring that mitigation requirements pursuant to 33 U.S.C. s. 1344 are met for the impacts identified in the inventory described in subsection (2), by implementation of the approved plan described in subsection (4) to the extent funding is provided by the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349 if applicable. During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements.

(6) The mitigation plans ~~plan~~ shall be updated annually to reflect the most current Department of Transportation work program and project list of a transportation authority established pursuant to chapter 348 or chapter 349 if applicable and may be amended throughout the year to anticipate schedule changes or additional projects which may arise. Each update and amendment of the mitigation plan shall be submitted to the secretary of the Department of Environmental Protection for approval. However, such approval shall not be applicable to a deviation as described in subsection (5).

(8) This section shall not be construed to eliminate the need for the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water

quantity or water quality impacts, or impacts regulated under this part that are not identified in the inventory described in subsection (2).

(9) *The process for environmental mitigation for the impact of transportation projects under this section shall be available to an expressway, bridge, or transportation authority established under chapters 348 and 349. Use of this process may be initiated by an authority depositing the requisite funds into an escrow account set up by the authority and filing an environmental impact inventory with the appropriate water management district. An authority that initiates the environmental mitigation process established by this section shall comply with subsection (6) by timely providing the appropriate water management district and the Department of Environmental Protection with the requisite work program information. A water management district may draw down funds from the escrow account as provided in this section.*

Section 53. Paragraphs (b) and (e) of subsection (19) of section 380.06, Florida Statutes, are amended, and paragraphs (i) and (j) are added to subsection (24) of said section, to read:

380.06 Developments of regional impact.—

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.
3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates. However, if an airport is located in two counties, a 10-percent lengthening of an existing runway or a 20-percent increase in the number of gates of an existing terminal is the applicable criteria.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent or 6 acres, whichever is greater, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

~~7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.~~

~~7.8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.~~

8.9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

9.10. An increase in commercial development by 6 acres of land area or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or a 5-percent increase of any of these, whichever is greater.

~~10.11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.~~

~~11.12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.~~

~~12.13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.~~

13.14. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

~~14.15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.~~

15.16. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., ~~9.10.~~, ~~13.14.~~, excluding residential uses, and ~~14.15.~~, are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., ~~8.9.~~, ~~9.10.~~, ~~10.11.~~, and ~~13.14.~~ are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(e)1. A proposed change which, either individually or, if there were previous changes, cumulatively with those changes, is equal to or exceeds 40 percent of any numerical criterion in subparagraphs (b)1.-~~14.1-15.~~, but which does not exceed such criterion, shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government pursuant to subparagraph (f)5.

2. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than 40 percent of any numerical criterion contained in subparagraphs (b)1.-~~14.1-15.~~ and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-h. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-i. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)15.16., any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(b)(e), (c)(d), (e)(f), and (f)(g) and residential use.

(24) STATUTORY EXEMPTIONS.—

(i) Any proposed facility for the storage of any petroleum product is exempt from the provisions of this section, if such facility is consistent

with a local comprehensive plan that is in compliance with s. 163.3177 or is consistent with a comprehensive port master plan that is in compliance with s. 163.3178.

(j) Any development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan under section 163.3177(6)(k), and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, is exempt from the provisions of this section.

Section 54. Subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) Airports.—

1. Any of the following airport construction projects shall be a development of regional impact:

- a. A new commercial service or general aviation airport with paved runways.
- b. A new commercial service or general aviation paved runway.
- c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However, expansion of existing terminal facilities at a nonhub or small hub commercial service airport shall not be a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility, the construction or expansion of which:

- 1. For single performance facilities:
 - a. Provides parking spaces for more than 2,500 cars; or
 - b. Provides more than 10,000 permanent seats for spectators.
- 2. For serial performance facilities:
 - a. Provides parking spaces for more than 1,000 cars; or
 - b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, “serial performance facilities” means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:

- a. Provides parking spaces for more than 1,500 cars; or
- b. Provides more than 6,000 permanent seats for spectators.

(b)(e) Industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities.—Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public onsite, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public onsite, which:

1. Provides parking for more than 2,500 motor vehicles, *excluding those vehicles which may be included in wholesaling facilities' inventory*; or

2. Occupies a site greater than 320 acres, *or for motor vehicle wholesaling facilities that conduct wholesaling sales activity no more frequently than an average each year of 3 days per week, occupies a site greater than 500 acres.*

(c)(d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or
2. Has a total site size of 30 or more acres; or

3. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(d)(e) Port facilities.—The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:

1.a. The wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or

b. The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or

c. The wet or dry storage or mooring of fewer than 150 watercraft on or adjacent to an inland freshwater lake except Lake Okeechobee or any lake which has been designated an Outstanding Florida Water, or

d. The wet or dry storage or mooring of fewer than 50 watercraft of 40 feet in length or less of any type or purpose. The exceptions to this paragraph's requirements for development-of-regional-impact review shall not apply to any waterport or marina facility located within or which serves physical development located within a coastal barrier resource unit on an unbridged barrier island designated pursuant to 16 U.S.C. s. 3501.

In addition to the foregoing, for projects for which no environmental resource permit or sovereign submerged land lease is required, the Department of Environmental Protection must determine in writing that a proposed marina in excess of 10 slips or storage spaces or a combination of the two is located so that it will not adversely impact Outstanding Florida Waters or Class II waters and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or likely to be, frequented by manatees. If the Department of Environmental Protection fails to issue its determination within 45 days of receipt of a formal written request, it has waived its authority to make such determination. The Department of Environmental Protection determination shall constitute final agency action pursuant to chapter 120.

2. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or

storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under sub-subparagraphs 1.a. and b. and subparagraph 2.

(e)(f) Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area;
2. Occupies more than 40 acres of land; or
3. Provides parking spaces for more than 2,500 cars.

(f)(g) Hotel or motel development.—

1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or

2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000, and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(g)(h) Recreational vehicle development.—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(h)(i) Multiuse development.—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(i)(j) Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county.

(j)(k) Schools.—

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, "full-time equivalent student" means enrollment for 15 or more quarter hours during a single academic semester. In area vocational schools or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the Board of Regents pursuant to s. 240.155.

Section 55. Paragraph (a) of subsection (12) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(12) When authorized by a local comprehensive plan, a multiuse development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

(a) The development of regional impact meets or exceeds the guidelines and standards of s. 380.0651(3)(h)(i) and rule 28-24.032(2), Florida Administrative Code, and includes a residential component that contains at least 100 residential dwelling units or 15 percent of the applicable residential guideline and standard, whichever is greater;

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement.

Section 56. Subsection (20) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(20) "Spaceport launch facilities" shall be defined as industrial facilities in accordance with s. 380.0651(3)(b)(e) and include any launch pad, launch control center, and fixed launch-support equipment.

Section 57. Section 331.308, Florida Statutes, is amended to read:

331.308 Board of supervisors.—

(1) There is created within the Spaceport Florida Authority a board of supervisors consisting of

(a) *The Lieutenant Governor, serving as the chair;*

(b) ~~Six seven~~ regular members, ~~who shall be~~ appointed by the Governor; ~~and~~

(c) Two ex officio nonvoting members *who are members of the Legislature, one of whom shall be a state senator selected by the President of the Senate and one of whom shall be a state representative selected by the Speaker of the House of Representatives; and*

(d) *The director of the Office of Tourism, Trade, and Economic Development as an ex officio nonvoting member.*

~~Regular members are, all of whom shall be~~ subject to confirmation by the Senate at the next regular session of the Legislature, ~~and~~ each of ~~them~~ the regular board members must be a resident of the state and must have experience in the aerospace or commercial space industry or in finance or have other significant relevant experience. One regular member shall represent organized labor interests and one regular member shall represent minority interests.

(2) Each *regular* member shall serve a term of 4 years or until a successor is appointed and qualified. The term of each such member shall be construed to commence on the date of appointment and to terminate on June 30 of the year of the end of the term. Appointment to the board shall not preclude any such member from holding any other private or public position.

(3) The ex officio nonvoting *legislative* members shall serve on the board for 2-year terms.

(4) Any vacancy on the board shall be filled for the balance of the unexpired term.

(5) *The Lieutenant Governor is the state's space policy leader. The Lieutenant Governor may designate a regular member to serve as vice-chair and preside over board meetings in the absence of the chair and may assign proxy voting power to the director of the Office of Tourism, Trade, and Economic Development. Initial appointments shall be made no later than 60 days after this act takes effect.*

(6) ~~The board shall hold its initial meeting no later than 20 days after the members have been appointed. At its initial meeting, or as soon thereafter as is practicable,~~ The board shall appoint an executive director. Meetings shall be held quarterly or more frequently at the call of the chair. A majority of the regular members of the board shall constitute a quorum, and a majority vote of such members present is necessary for any action taken by the board.

(7) The Governor ~~may have the authority to~~ remove from the board any regular member in the manner and for cause as defined by the laws of this state and applicable to situations ~~that which may~~ arise before the board. Unless excused by the chair of the board, a regular member's absence from two or more consecutive board meetings creates a vacancy in the office to which the member was appointed.

Section 58. (1) *Nothing contained in this act abridges or modifies any vested or other right or any duty or obligation pursuant to any development order or agreement which is applicable to a development of regional impact on the effective date of this act. An airport or petroleum storage facility which has received a development-of-regional-impact development order pursuant to s. 380.06, Florida Statutes 2000, but is no longer required to undergo development-of-regional-impact review by operation of this act, shall be governed by the following procedures:*

(a) *The development shall continue to be governed by the development-of-regional-impact development order, and may be completed in reliance upon and pursuant to the development order. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11, Florida Statutes 2000.*

(b) *If requested by the developer or landowner, the development-of-regional-impact development order may be amended or rescinded by the local government consistent with the local comprehensive plan and land development regulations and pursuant to the local government procedures governing local development orders.*

(2) *An airport or petroleum storage facility with an application for development approval pending on the effective date of this act, or a notification of proposed change pending on the effective date of this act, may elect to continue such review pursuant to s. 380.06, Florida Statutes 2000. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, Florida Statutes 2000, the resulting development order shall be governed by the provisions of subsection (1).*

Section 59. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 60. Subsection (2) of section 479.15, Florida Statutes, is amended to read:

479.15 Harmony of regulations.—

(2) A municipality, county, local zoning authority, or other local governmental entity may not remove, or cause to be removed, any lawfully erected sign along any portion of the interstate or federal-aid primary highway system without first paying just compensation for such removal. A local governmental entity may not cause in any way the alteration of any lawfully erected sign located along any portion of the interstate or federal-aid primary highway system without payment of just compensation if such alteration constitutes a taking under state law. The municipality, county, local zoning authority, or other local governmental entity promulgating requirements for such alteration must be responsible for payment of just compensation to the sign owner if such alteration constitutes a taking under state law. This subsection

applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located. For the purposes of this subsection, the term "federal-aid primary highway system" means the federal-aid primary highway system in existence on June 1, 1991, and any highway which was not on such system but which is, or hereafter becomes, a part of the National Highway System. This subsection shall not be interpreted as explicit or implicit legislative recognition that alterations do or do not constitute a taking under state law.

Section 61. Section 479.25, Florida Statutes, is created to read:

479.25 Application of chapter.—Nothing in this chapter shall prevent a governmental entity from entering into an agreement allowing the height above ground level of a lawfully erected sign to be increased at its permitted location if a noise attenuation barrier, visibility screen, or other highway improvement has been erected in such a way as to screen or block visibility of such a sign; provided, however, that for nonconforming signs located on the federal-aid primary highway system, as such system existed on June 1, 1991, and any highway which was not on such system but which is, or hereinafter becomes, a part of the National Highway System, such agreement must be approved by the Federal Highway Administration. Any increase in height permitted under this provision shall only be that which is required to achieve the same degree of visibility from the right-of-way that the sign had prior to the construction of the noise attenuation barrier, visibility screen, or other highway improvement.

Section 62. Section 70.20, Florida Statutes, is created to read:

70.20 Balancing of interests.—It is a policy of this state to encourage municipalities, counties, and other governmental entities and sign owners to enter into relocation and reconstruction agreements that allow governmental entities to undertake public projects and accomplish public goals without the expenditure of public funds, while allowing the continued maintenance of private investment in signage as a medium of commercial and noncommercial communication.

(1) *Municipalities, counties, and all other governmental entities are specifically empowered to enter into relocation and reconstruction agreements on whatever terms are agreeable to the sign owner and the municipality, county, or other governmental entity involved and to provide for relocation and reconstruction of signs by agreement, ordinance, or resolution. As used in this section, a "relocation and reconstruction agreement" means a consensual, contractual agreement between a sign owner and municipality, county, or other governmental entity for either the reconstruction of an existing sign or removal of a sign and the construction of a new sign to substitute for the sign removed.*

(2) *Except as otherwise provided in this section, no municipality, county, or other governmental entity may remove, or cause to be removed, any lawfully erected sign along any portion of the interstate, federal-aid primary or other highway system, or any other road, without first paying just compensation for such removal as determined by agreement between the parties or through eminent domain proceedings. Except as otherwise provided in this section, no municipality, county, or other governmental entity may cause in any way the alteration of any lawfully erected sign located along any portion of the interstate, federal-aid primary or other highway system, or any other road, without first paying just compensation for such alteration as determined by agreement between the parties or through eminent domain proceedings. The provisions of this act shall not apply to any ordinance, the validity, constitutionality, and enforceability of which the owner has by written agreement waived all right to challenge.*

(3) *In the event that a municipality, county, or other governmental entity shall undertake a public project or public goal requiring alteration or removal of any lawfully erected sign, the municipality, county, or other governmental entity shall notify the owner of the affected sign in writing of the public project or goal and of the intention of the municipality, county, or other governmental entity to seek such removal. Within 30 days after receipt of the notice, the owner of the sign and the*

municipality, county, or other governmental entity shall attempt to meet for purposes of negotiating and executing a relocation and reconstruction agreement provided for in subsection (1).

(4) *If the parties fail to enter into a relocation and reconstruction agreement within 120 days after the initial notification by the municipality, county, or other governmental entity, either party may request mandatory nonbinding arbitration to resolve the disagreements among the parties. Each party shall select an arbitrator, and the individuals so selected shall choose a third arbitrator. The three arbitrators shall constitute the panel that shall arbitrate the dispute between the parties and at the conclusion of the proceedings shall present to the parties a proposed relocation and reconstruction agreement that the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties. If the municipality, county, or other governmental entity and the sign owner accept the proposed relocation and reconstruction agreement, the municipality, county, or other governmental entity and sign owner shall each pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel, unless the parties otherwise agree.*

(5) *If the parties do not enter into a relocation and reconstruction agreement, the municipality, county, or other governmental entity may proceed with the public project or purpose and the alteration or removal of the sign only after first paying just compensation for such alteration or removal as determined by agreement between the parties or through eminent domain proceedings.*

(6) *The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be removed or altered as a condition precedent to the issuance or continued effectiveness of a development order constitutes a compelled removal that is prohibited without prior payment of just compensation under subsection (2). This subsection does not apply when the owner of the land on which the sign is located is seeking to have the property redesignated on the future land use map of the applicable comprehensive plan for exclusively single-family residential use.*

(7) *The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be altered or removed from the premises upon which it is located incident to the voluntary acquisition of such property by a municipality, county, or other governmental entity constitutes a compelled removal which is prohibited without payment of just compensation under subsection (2).*

(8) *Nothing in this section shall prevent a municipality, county, or other governmental entity from acquiring a lawfully erected sign through eminent domain or from prospectively regulating the placement, size, height, or other aspects of new signs within such entity's jurisdiction, including the prohibition of new signs, unless otherwise authorized pursuant to this section. Nothing in this section shall impair any ordinance or provision of any ordinance not inconsistent with this section, nor shall this section create any new rights for any party other than the owner of a sign, the owner of the land upon which it is located, or a municipality, county, or other governmental entity as expressed in this section.*

(9) *This section applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located.*

(10) *This section does not apply to any actions taken by the Florida Department of Transportation which relate to the operation, maintenance, or expansion of transportation facilities, and this section does not affect existing law regarding eminent domain relating to the Florida Department of Transportation.*

(11) *Nothing in this act shall impair or affect any written agreement existing prior to the effective date of this act, including, but not limited to, any settlement agreements reliant upon the legality or enforceability of local ordinances. The provisions of this act shall not apply to any signs that are required to be removed by a date certain in areas designated by*

local ordinance as view corridors if the local ordinance creating the view corridors was enacted in part to effectuate a consensual agreement between the local government and two or more sign owners prior to the effective date of this act, nor shall the provisions of this act apply to any signs that are the subject of an ordinance providing an amortization period, which period has expired, and which ordinance is the subject of judicial proceedings which were commenced on or before January 1, 2001, nor shall this act apply to any municipality with an ordinance that prohibits billboards and has two or fewer billboards located within its current boundaries or its future annexed properties.

(12) Subsection (6) hereof does not apply when the development order permits construction of a replacement sign that cannot be erected without the removal of the lawfully erected sign being replaced. Effective upon this section becoming a law, the Office of Program Analysis and Governmental Accountability, in consultation with the property appraisers and the private sector affected parties, shall conduct a study of the value of offsite signs in relation to, and in comparison with, the valuation of other commercial properties for ad valorem tax purposes, including a comparison of tax valuations from other states. OPPAGA shall complete the study by December 31, 2001, and shall report the results of the study to the Legislature.

Section 63. Paragraph (b) of subsection (1) of section 496.425, Florida Statutes, is amended to read:

496.425 Solicitation of funds within public transportation facilities.—

(1) As used in this section:

(b) "Facility" means any public transportation facility, including, but not limited to, railroad stations, bus stations, ship ports, ferry terminals, or roadside welcome stations, highway service plazas, airports served by scheduled passenger service, or highway rest stations.

Section 64. Section 496.4256, Florida Statutes, is created to read:

496.4256 Public transportation facilities not required to grant permit or access.—A governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system as defined in chapter 335 may not be required to issue a permit or grant any person access to such public transportation facilities for the purpose of soliciting funds.

Section 65. Section 337.408, Florida Statutes, is amended to read:

337.408 Regulation of benches, transit shelters, street light poles, and waste disposal receptacles within rights-of-way.—

(1) Benches or transit shelters, including advertising displayed on benches or transit shelters, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that such benches or transit shelters are for the comfort or convenience of the general public, or at designated stops on official bus routes; and, provided further, that written authorization has been given to a qualified private supplier of such service by the municipal government within whose incorporated limits such benches or transit shelters are installed, or by the county government within whose unincorporated limits such benches or transit shelters are installed. A municipality or county may authorize the installation, with or without public bid, of benches and transit shelters together with advertising displayed thereon, within the right-of-way limits of such roads. Any contract for the installation of benches or transit shelters or advertising on benches or transit shelters which was entered into before April 8, 1992, without public bidding, is ratified and affirmed. Such benches or transit shelters may not interfere with right-of-way preservation and maintenance. Any bench or transit shelter located on a sidewalk within the right-of-way limits of any road on the State Highway System or the county road system shall be located so as to leave at least 36 inches clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road.

(2) Waste disposal receptacles the interior collection container volume of which is less than 110 gallons in capacity, including advertising displayed on such waste disposal receptacles, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that written authorization has been given to a qualified private supplier of such service by the appropriate municipal or county government. A municipality or county may authorize the installation, with or without public bid, of waste disposal receptacles together with advertising displayed thereon within the right-of-way limits of such roads. Such waste disposal receptacles may not interfere with right-of-way preservation and maintenance.

(3) The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, or waste disposal receptacle which endangers life or property, except that transit bus benches which have been placed in service prior to April 1, 1992, do not have to comply with bench size and advertising display size requirements which have been established by the department prior to March 1, 1992. Any transit bus bench that was in service prior to April 1, 1992, may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable. As of July 1, 2001, the department, municipality, or county may direct the removal of any bench, transit shelter, or waste disposal receptacle, or advertisement thereon, if the department, municipality, or county determines that the bench, transit shelter, or waste disposal receptacle is structurally unsound or in visible disrepair.

(4) No bench, transit shelter, or waste disposal receptacle, or advertising thereon, shall be erected or so placed on the right-of-way of any road which conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bench, transit shelter, or waste disposal receptacle services or advertising on such benches, shelters, or receptacles may be regulated, restricted, or denied by the appropriate local government entity consistent with the provisions of this section.

(5) Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, and waste receptacles, as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertising may be installed on street light poles on roads on the State Highway System in accordance with height, size, setback, spacing distance, duration of display, safety, traffic control, and permitting requirements established by administrative rule of the Department of Transportation. Public service messages and advertisements shall be subject to bilateral agreements, where applicable, to be negotiated with the owner of the street light poles which shall consider, among other things, power source rates, design, safety, operational and maintenance concerns and other matters of public importance. For the purposes of this section, "street light poles" does not include electric transmission or distribution poles. The department shall have authority to establish administrative rules to implement this subsection. No advertising on light poles shall be permitted on the Interstate Highway System. No permanent structures carrying advertisements attached to light poles shall be permitted on the National Highway System.

(6)(5) Wherever the provisions of this section are inconsistent with other provisions of this chapter or with the provisions of chapter 125, chapter 335, chapter 336, or chapter 479, the provisions of this section shall prevail.

Section 66. Subsection (10) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(10)(a) Health care providers or vendors, or any of their employees or agents, that have contractually agreed to act as agents of the

Department of Corrections to provide health care services to inmates of the state correctional system shall be considered agents of the State of Florida, Department of Corrections, for the purposes of this section, while acting within the scope of and pursuant to guidelines established in said contract or by rule. The contracts shall provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection shall not be construed as designating persons providing contracted health care services to inmates as employees or agents of the state for the purposes of chapter 440.

(c) For purposes of this section, regional poison control centers created in accordance with s. 395.1027 and coordinated and supervised under the Division of Children's Medical Services Prevention and Intervention of the Department of Health, or any of their employees or agents, shall be considered agents of the State of Florida, Department of Health. Any contracts with poison control centers must provide, to the extent permitted by law, for the indemnification of the state by the agency for any liabilities incurred up to the limits set out in this chapter.

(d) *For the purposes of this section, operators of rail services and providers of security for rail services, or any of their employees or agents, that have contractually agreed to act as agents of the Tri-County Commuter Rail Authority to operate rail services or provide security for rail services, shall be considered agents of the State of Florida while acting within the scope of and pursuant to guidelines established in said contract or by rule. The contract shall provide for the indemnification of the state by the agent for any liability incurred up to the limits set out in this chapter.*

Section 67. Section 337.025, Florida Statutes, is amended to read:

337.025 Innovative highway projects; department to establish program.—The department is authorized to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, prior to using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than \$120 million in contracts annually for the purposes authorized by this section. *However, the annual cap on contracts provided in this section shall not apply to turnpike enterprise projects nor shall turnpike enterprise projects be counted toward the department's annual cap.*

Section 68. Paragraph (c) of subsection (3) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(3)

(c) No advertisement for bids shall be published and no bid solicitation notice shall be provided until title to all necessary rights-of-way and easements for the construction of the project covered by such advertisement or notice has vested in the state or a local governmental entity, and all railroad crossing and utility agreements have been executed. *The turnpike enterprise is exempt from this paragraph for a turnpike enterprise project. Title to all necessary rights-of-way shall be*

deemed to have been vested in the State of Florida when such title has been dedicated to the public or acquired by prescription.

Section 69. Subsection (7) of section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(7) This section does not apply to the turnpike system as defined under the Florida Turnpike *Enterprise* Law.

Section 70. Section 338.22, Florida Statutes, is amended to read:

338.22 Florida Turnpike *Enterprise* Law; short title.—Sections 338.22-338.241 may be cited as the "Florida Turnpike *Enterprise* Law."

Section 71. Section 338.221, Florida Statutes, is amended to read:

338.221 Definitions of terms used in ss. 338.22-338.241.—As used in ss. 338.22-338.241, the following words and terms have the following meanings, unless the context indicates another or different meaning or intent:

(1) "Bonds" or "revenue bonds" means notes, bonds, refunding bonds or other evidences of indebtedness or obligations, in either temporary or definitive form, issued by the Division of Bond Finance on behalf of the department and authorized under the provisions of ss. 338.22-338.241 and the State Bond Act.

(2) "Cost," as applied to a turnpike project, includes the cost of acquisition of all land, rights-of-way, property, easements, and interests acquired by the department for turnpike project construction; the cost of such construction; the cost of all machinery and equipment, financing charges, fees, and expenses related to the financing; establishment of reserves to secure bonds; interest prior to and during construction and for such period after completion of construction as shall be determined by the department; the cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues; other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing any such turnpike project; administrative expenses; and such other expenses as may be necessary or incident to the acquisition or construction of a turnpike project, the financing of such acquisition or construction, and the placing of the turnpike project in operation.

(3) "Feeder road" means any road no more than 5 miles in length, connecting to the turnpike system which the department determines is necessary to create or facilitate access to a turnpike project.

(4) "Owner" includes any person or any governmental entity that has title to, or an interest in, any property, right, easement, or interest authorized to be acquired pursuant to ss. 338.22-338.241.

(5) "Revenues" means all tolls, charges, rentals, gifts, grants, moneys, and other funds coming into the possession, or under the control, of the department by virtue of the provisions hereof, except the proceeds from the sale of bonds issued under ss. 338.22-338.241.

(6) "Turnpike system" means those limited access toll highways and associated feeder roads and other structures, appurtenances, or rights previously designated, acquired, or constructed pursuant to the Florida Turnpike *Enterprise* Law and such other additional turnpike projects as may be acquired or constructed as approved by the Legislature.

(7) "Turnpike improvement" means any betterment necessary or desirable for the operation of the turnpike system, including, but not limited to, widenings, the addition of interchanges to the existing turnpike system, resurfacings, toll plazas, machinery, and equipment.

(8) "Economically feasible" for a proposed turnpike project means *that the revenues of the project in combination with those of the existing turnpike system are sufficient to service the debt of the outstanding turnpike bonds to safeguard investors.;*

~~(a) For a proposed turnpike project, that, as determined by the department before the issuance of revenue bonds for the project, the estimated net revenues of the proposed turnpike project, excluding~~

~~feeder roads and turnpike improvements, will be sufficient to pay at least 50 percent of the debt service on the bonds by the end of the 5th year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the 15th year of operation. In implementing this paragraph, up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.~~

~~(b) For turnpike projects, except for feeder roads and turnpike improvements, financed from revenues of the turnpike system, such project, or such group of projects, originally financed from revenues of the turnpike system, that the project is expected to generate sufficient revenues to amortize project costs within 15 years of opening to traffic.~~

This subsection does not prohibit the pledging of revenues from the entire turnpike system to bonds issued to finance or refinance a turnpike project or group of turnpike projects.

(9) "Turnpike project" means any extension to or expansion of the existing turnpike system and new limited access toll highways and associated feeder roads and other structures, interchanges, appurtenances, or rights as may be approved in accordance with the Florida Turnpike Enterprise Law.

(10) "Statement of environmental feasibility" means a statement by the Department of Environmental Protection of the project's significant environmental impacts.

Section 72. Section 338.2215, Florida Statutes, is created to read:

338.2215 Florida Turnpike Enterprise; legislative findings, policy, purpose, and intent.—It is the intent of the Legislature that the turnpike enterprise be provided additional powers and authority in order to maximize the advantages obtainable through fully leveraging the Florida Turnpike System asset. The additional powers and authority will provide the turnpike enterprise with the autonomy and flexibility to enable it to more easily pursue innovations as well as best practices found in the private sector in management, finance, organization, and operations. The additional powers and authority are intended to improve cost-effectiveness and timeliness of project delivery, increase revenues, expand the turnpike system's capital program capability, and improve the quality of service to its patrons, while continuing to protect the turnpike system's bondholders and further preserve, expand, and improve the Florida Turnpike System.

Section 73. Section 338.2216, Florida Statutes, is created to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(1)(a) In addition to the powers granted to the department, the Florida Turnpike Enterprise has full authority to exercise all powers granted to it under this chapter. Powers shall include, but are not limited to, the ability to plan, construct, maintain, repair, and operate the Florida Turnpike System.

(b) It is the express intention of this part that the Florida Turnpike Enterprise be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage the Florida Turnpike System; to expend funds to publicize, advertise, and promote the advantages of using the turnpike system and its facilities; and to cooperate, coordinate, partner, and contract with other entities, public and private, to accomplish these purposes.

(c) The executive director of the turnpike enterprise shall appoint a staff, which shall be exempt from part II of chapter 110. The fiscal functions of the turnpike enterprise, including those arising under chapters 216, 334, and 339, shall be managed by the turnpike enterprise chief financial officer, who shall possess qualifications similar to those of the department comptroller.

(2)(a) The department shall have the authority to employ procurement methods available to the Department of Management Services under chapters 255 and 287 and under any rule adopted under such chapters solely for the benefit of the turnpike enterprise. In order to enhance the effective and efficient operation of the turnpike enterprise,

the department may adopt rules for procurement procedures alternative to chapters 255, 287, and 337.

(3)(a) The turnpike enterprise shall be a single budget entity and shall develop a budget pursuant to chapter 216. The turnpike enterprise's budget shall be submitted to the Legislature along with the department's budget.

(b) Notwithstanding the provisions of s. 216.301 to the contrary and in accordance with s. 216.351, the Executive Office of the Governor shall, on July 1 of each year, certify forward all unexpended funds appropriated or provided pursuant to this section for the turnpike enterprise. Of the unexpended funds certified forward, any unencumbered amounts shall be carried forward. Such funds carried forward shall not exceed 5 percent of the total operating budget of the turnpike enterprise. Funds carried forward pursuant to this section may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified forward funds remaining undisbursed on December 31 of each year shall be carried forward.

(4) The powers conferred upon the turnpike enterprise under ss. 338.22-338.241 shall be in addition and supplemental to the existing powers of the department and the turnpike enterprise, and these powers shall not be construed as repealing any provision of any other law, general or local, but shall supersede such other laws that are inconsistent with the exercise of the powers provided under ss. 338.22-338.241 and provide a complete method for the exercise of such powers granted.

Section 74. Subsection (4) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(4) The department is authorized, with the approval of the Legislature, to use federal and state transportation funds to lend or pay a portion of the operating, maintenance, and capital costs of turnpike projects. Federal and state transportation funds included in an adopted work program, or the General Appropriations Act, for a turnpike project do not have to be reimbursed to the State Transportation Trust Fund, or used in determining the economic feasibility of the proposed project. For operating and maintenance loans, the maximum net loan amount in any fiscal year shall not exceed 1.5 percent of state transportation tax revenues for that fiscal year.

Section 75. Subsection (2) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike projects for which such bonds shall have been issued, except as provided in the State Bond Act. Such proceeds shall be disbursed and used as provided by ss. 338.22-338.241 and in such manner and under such restrictions, if any, as the Division of Bond Finance may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. All revenues and bond proceeds from the turnpike system received by the department pursuant to ss. 338.22-338.241, the Florida Turnpike Enterprise Law, shall be used only for the cost of turnpike projects and turnpike improvements and for the administration, operation, maintenance, and financing of the turnpike system. No revenues or bond proceeds from the turnpike system shall be spent for the operation, maintenance, construction, or financing of any project which is not part of the turnpike system.

Section 76. Subsection (2) of section 338.2275, Florida Statutes, is amended to read:

338.2275 Approved turnpike projects.—

(2) The department is authorized to use turnpike revenues, the State Transportation Trust Fund moneys allocated for turnpike projects pursuant to s. 338.001, federal funds, and bond proceeds, and shall use the most cost-efficient combination of such funds, in developing a financial plan for funding turnpike projects. The department must

submit a report of the estimated cost for each ongoing turnpike project and for each planned project to the Legislature 14 days before the convening of the regular legislative session. Verification of economic feasibility and statements of environmental feasibility for individual turnpike projects must be based on the entire project as approved. Statements of environmental feasibility are not required for those projects listed in s. 12, chapter 90-136, Laws of Florida, for which the Project Development and Environmental Reports were completed by July 1, 1990. ~~All required environmental permits must be obtained before~~ The department may advertise for bids for contracts for the construction of any turnpike project *prior to obtaining required environmental permits.*

Section 77. Section 338.234, Florida Statutes, is amended to read:

338.234 Granting concessions or selling along the turnpike system.—

(4) The department may *enter into contracts or licenses with any person for the sale of grant concessions or sell services or products or business opportunities on along the turnpike system, or the turnpike enterprise may sell services, products, or business opportunities on the turnpike system, which benefit the traveling public or provide additional revenue to the turnpike system. Services, business opportunities, and products authorized to be sold include, but are not limited to, the sale of motor fuel, vehicle towing, and vehicle maintenance services; the sale of food with attendant nonalcoholic beverages; lodging, meeting rooms, and other business services opportunities; advertising and other promotional opportunities, which advertising and promotions must be consistent with the dignity and integrity of the state; the sale of state lottery tickets sold by authorized retailers; games and amusements that the granting of concessions for amusement devices which operate by the application of skill, not including games of chance as defined in s. 849.16 or other illegal gambling games; the sale of Florida citrus, goods promoting the state, or handmade goods produced within the state; and the granting of concessions for equipment which provides travel information, or tickets, reservations, or other related services; and the granting of concessions which provide banking and other business services. The department may also provide information centers on the plazas for the benefit of the public.*

(2) ~~The department may provide an opportunity for governmental agencies to hold public events at turnpike plazas which educate the traveling public as to safety, travel, and tourism.~~

Section 78. Subsection (3) of section 338.235, Florida Statutes, is amended to read:

338.235 Contracts with department for provision of services on the turnpike system.—

(3) The department may enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, nonexclusive, and nondiscriminatory basis, turnpike property and other turnpike structures, for the placement of wireless facilities by any wireless provider of mobile services as defined in 47 U.S.C. s. 153(n) or s. 332(d), and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The department and a wireless provider may negotiate the reduction or elimination of a fee in consideration of *goods or services service* provided to the department by the wireless provider. All such fees collected by the department shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund and may be used to construct, maintain, or support the system.

Section 79. Subsection (2) of section 338.239, Florida Statutes, is amended to read:

338.239 Traffic control on the turnpike system.—

(2) Members of the Florida Highway Patrol are vested with the power, and charged with the duty, to enforce the rules of the department. ~~Approved expenditures~~ Expenses incurred by the Florida Highway Patrol in carrying out its powers and duties under ss. 338.22-338.241 may be treated as a part of the cost of the operation of the turnpike system, and the Department of Highway Safety and Motor Vehicles shall be reimbursed by the ~~turnpike enterprise~~ Department of Transportation for such expenses incurred on the ~~turnpike system mainline, which is that part of the turnpike system extending from the southern terminus in Florida City to the northern terminus in Wildwood including all contiguous sections.~~ Florida Highway Patrol Troop K shall be headquartered with the turnpike enterprise and shall be the official and preferred law enforcement troop for the turnpike system. The Department of Highway Safety and Motor Vehicles may, upon request of the executive director of the turnpike enterprise and approval of the Legislature, increase the number of authorized positions for Troop K, or the executive director of the turnpike enterprise may contract with the Department of Highway Safety and Motor Vehicles for additional troops to patrol the turnpike system.

Section 80. Section 338.241, Florida Statutes, is amended to read:

338.241 Cash reserve requirement.—The budget for the turnpike system shall be so planned as to provide for a cash reserve *at the end of each fiscal year* of not less than ~~5~~ 10 percent of the unpaid balance of all turnpike system contractual obligations, excluding bond obligations, to be paid from revenues.

Section 81. Section 338.251, Florida Statutes, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties *and the turnpike enterprise.*

(1) The department is authorized to advance funds for preliminary engineering, traffic and revenue studies, environmental impact studies, financial advisory services, engineering design, right-of-way map preparation, other appropriate project-related professional services, and advanced right-of-way acquisition to expressway authorities, *the turnpike enterprise*, counties, or other local governmental entities that desire to undertake revenue-producing road projects.

(2) No funds shall be advanced pursuant to this section unless the following is documented to the department:

(a) The proposed facility is consistent with the adopted transportation plan of the appropriate metropolitan planning organization and the Florida Transportation Plan.

(b) A proposed 2-year budget detailing the use of the cash advance and a project schedule consistent with the budget.

(3) Prior to receiving any moneys for advance right-of-way acquisition, it shall be shown that such right-of-way will substantially appreciate prior to construction and that savings will result from its advance purchase. Any such request for moneys for advance right-of-way acquisition shall be accompanied by a preliminary engineering study, environmental impact study, traffic and revenue study, and right-of-way maps along with either a negotiated contract for purchase of the right-of-way, such contract to include a clause stating that it is subject to funding by the department or the Legislature, or an appraisal of the subject property for purpose of condemnation proceedings.

(4) Each advance pursuant to this section shall require repayment out of the initial bond issue revenue or, at the discretion of the governmental entity *or the turnpike enterprise of the facility*, repayment shall begin no later than 7 years after the date of the advance, provided repayment shall be completed no later than 12 years after the date of the advance. However, such election shall be made at the time of the initial bond issue, and, if repayment is to be made during the time period referred to above, a schedule of such repayment shall be submitted to the department.

(5) No amount in excess of \$1.5 million annually shall be advanced to any one governmental entity *or the turnpike enterprise* pursuant to this section without specific appropriation by the Legislature.

(6) Funds may not be advanced for funding final design costs beyond 60 percent completion until an acceptable plan to finance all project costs, including the reimbursement of outstanding trust fund advances, is approved by the department.

(7) The department may advance funds sufficient to defray shortages in toll revenues of facilities receiving funds pursuant to this section for the first 5 years of operation, up to a maximum of \$5 million per year, to be reimbursed to this fund within 5 years of the last advance hereunder. Any advance under this provision shall require specific appropriation by the Legislature.

(8) No expressway authority, county, or other local governmental entity, *or the turnpike enterprise*, shall be eligible to receive any advance under this section if the expressway authority, county, or other local governmental entity *or the turnpike enterprise* has failed to repay any previous advances as required by law or by agreement with the department.

(9) Repayment of funds advanced, including advances made prior to January 1, 1994, shall not include interest. However, interest accruing to local governmental entities *and the turnpike enterprise* from the investment of advances shall be paid to the department.

Section 82. Subsection (1) of section 553.80, Florida Statutes, as amended by section 86 of chapter 2000-141, Laws of Florida, is amended to read:

553.80 Enforcement.—

(1) Except as provided in paragraphs (a)-(f) ~~(a)-(e)~~, each local government and each legally constituted enforcement district with statutory authority shall regulate building construction and, where authorized in the state agency's enabling legislation, each state agency shall enforce the Florida Building Code required by this part on all public or private buildings, structures, and facilities, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9).

(a) Construction regulations relating to correctional facilities under the jurisdiction of the Department of Corrections and the Department of Juvenile Justice are to be enforced exclusively by those departments.

(b) Construction regulations relating to elevator equipment under the jurisdiction of the Bureau of Elevators of the Department of Business and Professional Regulation shall be enforced exclusively by that department.

(c) In addition to the requirements of s. 553.79 and this section, facilities subject to the provisions of chapter 395 and part II of chapter 400 shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of chapter 395 and part II of chapter 400 and the certification requirements of the Federal Government.

(d) Building plans approved pursuant to s. 553.77(6) and state-approved manufactured buildings, including buildings manufactured and assembled offsite and not intended for habitation, such as lawn storage buildings and storage sheds, are exempt from local code enforcing agency plan reviews except for provisions of the code relating to erection, assembly, or construction at the site. Erection, assembly, and construction at the site are subject to local permitting and inspections.

(e) Construction regulations governing public schools, state universities, and community colleges shall be enforced as provided in subsection (6).

(f) *Construction regulations relating to transportation facilities under the jurisdiction of the turnpike enterprise of the Department of Transportation shall be enforced exclusively by the turnpike enterprise.*

The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on July 1, 1998. However, nothing contained in this subsection shall operate to limit such agencies from adjusting their fee schedule in conformance with existing authority.

Section 83. (1) *This shall be known as the "Dori Slosberg Act of 2001."*

(2) *Notwithstanding the provisions of s. 318.121, Florida Statutes, a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional \$3 with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds. The funds shall be used for direct educational expenses and shall not be used for administration.*

Section 84. *Small Aircraft Transportation System; legislative intent.—*

(1) *The Legislature recognizes that the State of Florida has an opportunity to participate with the National Aeronautics and Space Administration, the Federal Aviation Administration, the aircraft industry, and various universities as partners to provide Florida with improved transportation access and mobility for all of its communities, rural and urban alike, by participating in NASA's Small Aircraft Transportation System. The Legislature recognizes that state support can be leveraged with current federal and industry resources to provide an infrastructure that utilizes the state's network of 129 public-use airports and provides a transportation system capable of competing with the automobile in both convenience and affordability.*

(2) *The Legislature hereby expresses its commitment, through participation in the Small Aircraft Transportation System, to:*

(a) *Improve travel choices, mobility, and accessibility for the citizens of the state.*

(b) *Enhance economic growth and competitiveness for the rural and remote communities of the state through improved transportation choices.*

(c) *Maintain the state's leadership and proactive role in aviation and aerospace through active involvement in advancing aviation technology infrastructure and capabilities.*

(d) *Take advantage of federal programs that can bring investments in technology, research, and infrastructure capable of enhancing competitiveness and opportunities for industry and workforce development.*

(e) *Participate in opportunities that can place the state's industries and communities in a first-to-market advantage when developing, implementing, and proving new technologies which have the potential to satisfy requirements for the public good.*

(f) *Participate as partners with the National Aeronautics and Space Administration, the Federal Aviation Administration, the aircraft industry, local governments, and those universities which comprise the Southeast SATSLab Consortium to implement a Small Aircraft Transportation System infrastructure as a statewide network of airports to support the commitments described in paragraphs (a)-(e).*

Section 85. (1) *That portion of I-275 which begins at the Pinellas County end of the Howard Franklin Bridge and, proceeding south, ends at the beginning of the Sunshine Skyway Bridge is designated as the "St. Petersburg Parkway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "St. Petersburg Parkway" as described in subsection (1).*

Section 86. *George Crady Bridge designation; markers.—*

(1) *The old Nassau Sound Bridge (bridge number 750055) on State Road 105 in Nassau and Duval Counties is hereby redesignated as the “George Crady Bridge.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “George Crady Bridge” as described in subsection (1).*

Section 87. *Doyle Parker Memorial Highway designation; markers.—*

(1) *U.S. Highway 17 from Wauchula to Bowling Green is hereby designated as the “Doyle Parker Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Doyle Parker Memorial Highway” as described in subsection (1).*

Section 88. *Lynn Haven Parkway designation; markers.—*

(1) *That portion of State Road 77 between Baldwin Road and Mowat School Road in the City of Lynn Haven, Bay County, is hereby designated as the “Lynn Haven Parkway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Lynn Haven Parkway” as described in subsection (1).*

Section 89. *Bennett C. Russell Florida/Alabama Parkway designation; markers.—*

(1) *State Road 87 from the Florida/Alabama border to U.S. Highway 98 in Santa Rosa County is hereby designated as the “Bennett C. Russell Florida/Alabama Parkway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Bennett C. Russell Florida/Alabama Parkway” as described in subsection (1).*

Section 90. *Mamie Langdale Memorial Bridge designation; markers.—*

(1) *The new U.S. Highway 27 bridge in the City of Moore Haven in Glades County is hereby designated as the “Mamie Langdale Memorial Bridge.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Mamie Langdale Memorial Bridge” as described in subsection (1).*

Section 91. *Martin Luther King, Jr., Memorial Highway designation; markers.—*

(1) *That portion of Highway 41 located in White Springs is hereby designated as the “Martin Luther King, Jr., Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Martin Luther King, Jr., Memorial Highway” as described in subsection (1).*

Section 92. *Purple Heart Highway designation; markers.—*

(1) *Interstate 75 from the Georgia state line to the city limits of Ocala is hereby designated as the “Purple Heart Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Purple Heart Highway” as described in subsection (1).*

Section 93. *Jean-Jacques Dessalines Boulevard designation; markers.—*

(1) *State Road 944 on N.W. 54th Street in Miami-Dade County, from the west boundary of State House District 108 approaching U.S. 1, is hereby designated as “Jean-Jacques Dessalines Boulevard.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Jean-Jacques Dessalines Boulevard” as described in subsection (1).*

Section 94. *Florida Highway Patrol Memorial Highway designation; markers.—*

(1) *I-75 from Tampa to the Georgia State Line is hereby designated as the “Florida Highway Patrol Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Florida Highway Patrol Memorial Highway” as described in subsection (1).*

Section 95. *Jerome A. Williams Memorial Highway designation; markers.—*

(1) *That portion of U.S. Highway 17 from Crescent City south to the Putnam/Volusia County boundary is hereby designated as the “Jerome A. Williams Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Jerome A. Williams Memorial Highway” as described in subsection (1).*

Section 96. *Borinquen Boulevard designation; markers.—*

(1) *That portion of North 36th Street (State Road 25) from Biscayne Boulevard to N.W. 7th Avenue is hereby designated “Borinquen Boulevard” in honor of Miami-Dade County’s Puerto Rican community.*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Borinquen Boulevard” as described in subsection (1).*

Section 97. *Korean War Veterans Memorial Highway designation; markers.—*

(1) *Highway 417 in Seminole County is hereby designated as the “Korean War Veterans Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Korean War Veterans Memorial Highway” as described in subsection (1).*

Section 98. *Veterans Memorial Highway designation; markers.—*

(1) *That portion of State Road 100, beginning at Highway A1A in Flagler County and continuing east to U.S. 1 in Bunnell, is hereby designated as the “Veterans Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Veterans Memorial Highway” as described in subsection (1).*

Section 99. *Toni Jennings Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Semoran Boulevard in the City of Orlando in Orange County beginning at the Bee Line Expressway (State Road 528) on the South to Curry Ford Road on the North is hereby designated as “Toni Jennings Boulevard.”*

(2) *The Department of Transportation is directed to erect suitable markers designating Toni Jennings Boulevard as described in subsection (1).*

Section 100. *Ed Fraser Memorial Highway designation; markers.—*

(1) *State Road 121, from the Georgia-Florida line in Baker County to the city limits of Lake Butler in Union County is hereby designated as the Ed Fraser Memorial Highway.*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating the Ed Fraser Memorial Highway as described in subsection (1).*

Section 101. *Correctional Officers Memorial Highway designated; markers.—*

(1) *That portion of State Road 16 from the northwestern Starke city limits in Bradford County to State Road 121 in Union County is hereby designated as the “Correctional Officers Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the Correctional Officers Memorial Highway as described in subsection (1).*

Section 102. *“Steven Cranman Boulevard” and “Ethel Beckford Boulevard” designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of U.S. 1, between S.W. 136th Street and S.W. 186th Street in Miami-Dade County is hereby designated as Steven Cranman Boulevard. The Department of Transportation is directed to erect suitable markers designating Steven Cranman Boulevard as described in this subsection.*

(2) *That portion of S.W. 186th Street between U.S. 1 and S.W. 107th Avenue in Miami-Dade County is hereby designated as Ethel Beckford Boulevard. The Department of Transportation is directed to erect suitable markers designating Ethel Beckford Boulevard as described in this subsection.*

Section 103. *“Phicol Williams Boulevard” designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of State Road 5 (U.S. 1) between S.W. 312th Street and S.W. 328th Street in Miami-Dade County is hereby designated as Phicol Williams Boulevard.*

(2) *The Department of Transportation is directed to erect suitable markers designating Phicol Williams Boulevard as described in subsection (1).*

Section 104. (1) *The portion of New Kings Road (S.R. 15) in Duval County between Moncrief Road and Redpoll Avenue is hereby designated as “Johnnie Mae Chappell Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating “Johnnie Mae Chappell Memorial Highway as described in subsection (1).*

Section 105. *Section 316.3027 and subsection (3) of section 316.610, Florida Statutes, are repealed.*

Section 106. Subsection (21) of section 316.003, Florida Statutes, is amended and subsection (82) is added to that section to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(21) **MOTOR VEHICLE.**—Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, *motorized scooter*, or moped.

(82) **MOTORIZED SCOOTER.**—*Any vehicle not having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, and not capable of propelling the vehicle of a speed greater than 30 miles per hour on level ground.*

Section 107. Section 316.2065, Florida Statutes, is amended to read:

316.2065 *Bicycle and motorized scooter regulations.—*

(1) Every person propelling a vehicle by human power, *or operating a motorized scooter as defined in s. 316.003*, has all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.

(2) A person operating a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto.

(3)(a) A bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his or her person in a backpack or sling.

(b) Except as provided in paragraph (a), a bicycle rider must carry any passenger who is a child under 4 years of age, or who weighs 40

pounds or less, in a seat or carrier that is designed to carry a child of that age or size and that secures and protects the child from the moving parts of the bicycle.

(c) A bicycle rider may not allow a passenger to remain in a child seat or carrier on a bicycle when the rider is not in immediate control of the bicycle.

(d) A bicycle rider or passenger *or motorized scooter rider* who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the *rider's* or passenger's head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department. As used in this subsection, the term “passenger” includes a child who is riding in a trailer or semitrailer attached to a bicycle.

(e) Law enforcement officers and school crossing guards may issue a bicycle safety brochure and a verbal warning to a bicycle rider or passenger *or a motorized scooter rider* who violates this subsection. A bicycle rider or passenger *or a motorized scooter rider* who violates this subsection may be issued a citation by a law enforcement officer and assessed a fine for a pedestrian violation, as provided in s. 318.18. The court shall dismiss the charge against a bicycle rider or passenger *or a motorized scooter rider* for a first violation of paragraph (d) upon proof of purchase of a bicycle helmet that complies with this subsection.

(f) *A person operating a motorized scooter may not carry passengers.*

(4) No person riding upon any bicycle, coaster, roller skates, sled, *or motorized scooter*, or toy vehicle may attach the same or himself or herself to any vehicle upon a roadway. This subsection does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer is commercially available and has been designed for such attachment.

(5)(a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, or substandard-width lane, that makes it unsafe to continue along the right-hand curb or edge. For the purposes of this subsection, a “substandard-width lane” is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(6) Persons riding bicycles upon a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and shall ride within a single lane.

(7) Any person operating a bicycle *or motorized scooter* shall keep at least one hand upon the handlebars.

(8) Every bicycle *or motorized scooter* in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a

distance of 600 feet to the rear. A bicycle or *motorized scooter* ~~its~~ rider may be equipped with lights or reflectors in addition to those required by this section.

(9) No parent of any minor child and no guardian of any minor ward may authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

(10) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

(11)(a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(b) *A motorized scooter may not be operated upon or along a sidewalk. However, an electric personal assistive mobility device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less may be operated upon or along a sidewalk.*

(12) No person upon roller skates, or riding in or by means of any *motorized scooter*, coaster, toy vehicle, or similar device, may go upon any roadway except while crossing a street on a crosswalk; and, when so crossing, such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians.

(13) This section shall not apply upon any street while set aside as a play street authorized herein or as designated by state, county, or municipal authority.

(14) Every bicycle or *motorized scooter*, shall be equipped with a brake or brakes which will enable its rider to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(15) A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

(16)(a) A person may not knowingly rent or lease any bicycle or *motorized scooter* to be ridden by a child who is under the age of 16 years unless:

1. The child possesses a bicycle helmet; or
2. The lessor provides a bicycle helmet for the child to wear.

(b) A violation of this subsection is a nonmoving violation, punishable as provided in s. 318.18.

(17) The court may waive, reduce, or suspend payment of any fine imposed under subsection (3) or subsection (16) and may impose any other conditions on the waiver, reduction, or suspension. If the court finds that a person does not have sufficient funds to pay the fine, the court may require the performance of a specified number of hours of community service or attendance at a safety seminar.

(18) Notwithstanding s. 318.21, all proceeds collected pursuant to s. 318.18 for violations under paragraphs (3)(e) and (16)(b) shall be deposited into the State Transportation Trust Fund.

(19) The failure of a person to wear a *required bicycle* helmet or the failure of a parent or guardian to prevent a child from riding a bicycle or *motorized scooter* without a *required bicycle* helmet may not be considered evidence of negligence or contributory negligence.

(20) Except as otherwise provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a pedestrian violation as provided in chapter 318. A law enforcement officer may issue traffic citations for a violation of subsection (3) or subsection (16) only if the violation occurs on a bicycle path or road, as defined in s. 334.03. However, they may not issue citations to persons on private property, except any part thereof which is open to the use of the public for purposes of vehicular traffic.

(21) *A county or municipality may adopt an ordinance that authorizes persons to operate a motorized scooter on a roadway or sidewalk, notwithstanding any prohibitions in this section.*

Section 108. Paragraph (ff) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(ff) *Florida Golf license plate, \$25.*

Section 109. Subsection (32) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(32) **FLORIDA GOLF LICENSE PLATES:—**

(a) *The Department of Highway Safety and Motor Vehicles shall develop a Florida Golf License plate as provided in this section. The word "Florida" must appear at the bottom of the plate. The Dade Amateur Golf Association, following consultation with the PGA TOUR, the Florida Sports Foundation, the LPGA and the PGA of America may submit a revised sample plate for consideration by the department.*

(b) *The department shall distribute the Florida Golf License Plate annual use fee to the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees are to be annually allocated as follows:*

1. *Up to 5 percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation for the administration of the Florida Youth Golf Program.*

2. *The Dade Amateur Golf Association shall receive the first \$80,000 in proceeds from the annual use fees for the operation of youth golf programs in Miami-Dade County. Thereafter, 15 percent of the proceeds from the annual use fee shall be provided to the Dade Amateur Golf Association for the operation of youth golf programs in Miami-Dade County.*

3. *The remaining proceeds from the annual use fee shall be available for grants to nonprofit organizations to operate youth golf programs and for the purpose of marketing the Florida Golf License Plates. All grant recipients, including the Dade Amateur Golf Association, shall be required to provide to the Florida Sports Foundation an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.*

(c) *The Florida Sports Foundation shall establish a Florida Youth Golf Program. The Florida Youth Golf Program shall assist organizations for the benefit of youth, introduce young people to golf, instruct young people in golf, teach the values of golf and stress life skills, fair play, courtesy, self-discipline.*

(d) *The Florida Sports Foundation shall establish a five-member committee to offer advice regarding the distribution of the annual use fees for grants to nonprofit organizations. The advisory committee shall consist of one member from a group serving youth, one member from a group serving disabled youth, and three members at large.*

Section 110. *Any multicounty airport authority created as an independent special district which is subject to a development-of-regional-impact development order and which has conducted a noise study in accordance with 14 C.F.R. Part 150 shall, in fiscal year 2002, establish a noise-mitigation-project fund in an amount of \$7.5 million, which shall be increased by another \$2.5 million in fiscal year 2004. The moneys in the project fund shall be segregated and expended by the airport authority by December 31, 2006, to the extent necessary to comply with development-order commitments to acquire property from or otherwise mitigate property owners adversely affected by the development of regional impact. If moneys are not expended for such purposes by December 31, 2006, the airport authority shall not thereafter amend its*

development-of-regional-impact development order or commence development of airport infrastructure improvements authorized by such development order until such funds are fully expended for such purposes.

Section 111. Section 331.367, Florida Statutes, is amended to read:

331.367 Spaceport Management Council.—

(1) The Spaceport Management Council is created within the Spaceport Florida Authority to provide coordination *between government agencies and commercial operators for the purpose of developing* and recommendations on projects and activities *to that will* increase the operability and capabilities of Florida's space launch facilities, increase statewide space-related industry and opportunities, and promote space education, and research, and technology development *within the state*. The council shall work to create develop integrated facility and programmatic development plans to address commercial, state, and federal requirements and to identify appropriate private, state, and federal resources to implement these plans.

(2) The council shall make recommendations regarding:

(a) The development of a spaceport master plan.

(b) The projects and levels of commercial financing required from the Florida Commercial Space Financing Corporation created by s. 331.407.

(c) Development and expansion of space-related education and research *facilities* and programs within Florida *in consultation with the Florida Space Research Institute*, including recommendations to be provided to the State University System, the Division of Community Colleges, and the Department of Education.

(d) The regulation of spaceports and federal and state policy.

(e) *Appropriate levels of governmental and private funding for sustainable Florida's approach to the Federal Government regarding requests for funding of* space development.

(3) *The council shall submit its recommendations to the Governor and Lieutenant Governor and provide copies to the Secretary of Transportation, the director of the Office of Tourism, Trade and Economic Development, the associate administrator for Space Transportation in the United States Department of Transportation, the administrator of the National Aeronautics and Space Administration, and the Deputy Assistant Secretary of the Air Force for Space Plans and Policy.*

(4)(3)(a) The council shall consist of an executive board *consisting, which shall consist* of representatives of governmental organizations *having with* responsibilities for developing or operating space transportation facilities; and a Space Industry Committee, which shall consist of representatives of Florida's space industry.

(b) *The executive board consists of* the following individuals or their designees *shall serve on the executive board*:

1. The executive director of the Spaceport Florida Authority or his or her designee.

2. ~~The director of the John F. Kennedy Space Center or his or her designee.~~

3. ~~The Commander of the United States Air Force 45th Space Wing or his or her designee.~~

4. ~~The Commander of the Naval Ordnance Test Unit or his or her designee.~~

2.5. The Secretary of Transportation or his or her designee.

3.6. The president of Enterprise Florida, Inc., or his or her designee, as an ex officio nonvoting member.

4.7. The director of the Office of Tourism, Trade, and Economic Development or his or her designee, as an ex officio nonvoting member.

(c)1. *Participation by the federal agencies having space-related missions in the state will contribute to council effectiveness, and the*

following installation heads or their designees may serve as official liaisons to the council: the director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit.

2. *Federal liaison officials may attend and participate in council meetings and deliberations, provide federal-agency views on issues before the council, and present issues of concern and make recommendations to the council.*

3. *The role of federal liaison officials is limited by federal statutes and other constraints, but the determination of this limitation is a federal function.*

4. *The fiduciary responsibility of the official liaisons shall remain at all times with their respective agencies.*

5. *To the extent that the advice or recommendations of the official liaisons are not adopted or incorporated into the final recommendations of the council, the official liaisons may append to such final recommendations their advice, recommendations, or opinions.*

(4) ~~Each member shall be appointed to serve for a 3-year term, beginning July 1. Initial appointments shall be made no later than 60 days after the effective date of this act.~~

(5) ~~The executive board shall hold its initial meeting no later than 30 days after the members have been appointed. The Space Industry Committee shall hold its initial meeting no later than 60 days after the members have been appointed.~~

(6) ~~All council members must be residents of the state.~~

(5)(7) The executive board council shall adopt bylaws governing the manner in which the business of the council shall be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.

(6)(8) The council shall provide infrastructure and program requirements and develop other information to be utilized in a 5-year spaceport master plan. The council shall define goals and objectives concerning the development of spaceport facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.

(7)(9) The council shall provide requirements and other information to be utilized in the development of a 5-year Spaceport Economic Development Plan, defining the goals and objectives of the council concerning the development of *facilities for* space manufacturing, research, *technology and* development, and *education educational* facilities.

(8)(10) The council shall meet at the call of its chairperson, at the request of two or more members of the executive board a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. A majority vote of the majority of the voting members present is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.

Section 112. Section 331.368, Florida Statutes, is amended to read:

331.368 Florida Space Research Institute.—

(1) There is created the Florida Space Research Institute, the purpose of which is to serve as an industry-driven center for research, leveraging the state's resources in a collaborative effort to support Florida's space industry and its expansion, diversification, and transition to commercialization.

(2) The institute shall operate as a public/private partnership under the direction of a board composed of:

(a) A representative of the Spaceport Florida Authority.

- (b) A representative of Enterprise Florida, Inc.
- (c) A representative of the Florida Aviation Aerospace Alliance.
- (d) A representative of the Florida Space Business Roundtable.
- (e) Additional private-sector representatives from the space industry selected collaboratively by the core members specified in paragraphs (a)-(d). The additional space industry representatives under this paragraph must comprise the majority of members of the board and must be from geographic regions throughout the state. *Each private-sector representative shall serve a term of 3 years.*
- (f) Two representatives from the educational community who are selected collaboratively by the core members specified in paragraphs (a)-(d) and who are engaged in research or instruction related to the space industry. One representative must be from a community college, and one representative must be from a public or private university. *Each educational representative shall serve a term of 2 years.*
- (g) Annually, the members of the board shall select one of the members to serve as chair, who shall be responsible for convening and leading meetings of the board.
- (h) *The board members are considered to be volunteers as defined in s. 110.501, and shall serve with all protections provided to volunteers of state agencies under s. 768.1355.*
- (3) *The Florida Space Research Institute may:*
 - (a) *Acquire property under such conditions as the board considers necessary, and sell or otherwise dispose of the property.*
 - (b) *Serve as a coordinating organization among public and private academic institutions, the State University System, industry, and government agencies to support the expansion and diversification of the state's space industry and to support research and education programs.*
 - (c) *Execute contracts and other documents, adopt proceedings, and perform any acts determined by the board to be necessary to carry out the purposes of this section.*
 - (d) *Establish a personnel-management system and procedures, rules, and rates governing administrative and financial operations of the institute.*
 - (e) *Acquire, accept, or administer grants, contracts, and fees from other organizations to perform activities that are consistent with the purposes of this section.*
 - (f) *Work in partnership with the Spaceport Florida Authority, Enterprise Florida, Inc., and other organizations to support their programs to promote the state as a center for space enterprise, research, and technology development.*
- (4)(3) The board of the Florida Space Research Institute shall:
 - (a) Set the strategic direction for the space-related research priorities of the state and its space-related businesses, the scope of research projects for the institute, and the timeframes for completion.
 - (b) Invite the participation of public and private *academic institutions* ~~universities~~, including, but not limited to, the University of Central Florida, the University of Florida, the University of South Florida, Florida State University, Florida Institute of Technology, and the University of Miami.
 - (c) Select a lead university to:
 1. Serve as coordinator of research ~~for and as the administrative entity~~ of the institute;
 2. Support the institute's development of a statewide space research agenda and programs; and
 3. Develop, and update as necessary, a report recommending ways that the state's public and private universities can work in partnership to support the state's space-industry requirements, which report must be completed by December 15, 2000.

(d) Establish a partnership with the state Workforce Development Board, or its successor entity, under which the institute coordinates the workforce-training requirements identified by the space industry and supports development of workforce-training initiatives to meet such requirements, using training providers approved by the board or its successor entity.

(e) Comanage, with the National Aeronautics and Space Administration and subject to the terms of an agreement with NASA, operation of a Space Experiment Research and Processing Laboratory, if such a facility is constructed on land of the John F. Kennedy Space Center. The institute shall carry out such responsibility through a consortium of public and private universities in the state led by the University of Florida.

(f) Develop initiatives to foster the participation of the state's space industry in the International Space Station and to help the state maintain and enhance its competitive position in the commercial space-transportation industry.

(g) Pursue partnerships with the National Aeronautics and Space Administration to coordinate and conduct research in fields including, but not limited to, environmental monitoring; agriculture; aquatics; resource reutilization technologies for long-duration space missions; and spaceport technologies which support current or next-generation launch vehicles and range systems.

(h) Pursue partnerships with the National Aeronautics and Space Administration for the conduct of space-related research using computer technology to connect experts in a given field of science who are in disparate locations and to perform research experiments in a real-time, virtual environment.

(i) *Appoint or dismiss, as considered necessary by the board, a person to act as executive director of the institute, who shall have such title, functions, duties, powers, and salary as the board prescribes.*

(5)(4) By December 15 of each year, the institute shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include recommendations regarding actions the state should take to enhance the development of space-related businesses, including:

- (a) Future research activities.
- (b) The development of capital and technology assistance to new and expanding industries.
- (c) The removal of regulatory impediments.
- (d) The establishment of business development incentives.
- (e) The initiation of education and training programs to ensure a skilled workforce.

Section 113. Subsection (4) of the section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(4) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located, except as provided in s. 348.0004. *Additionally, if the revenue-producing project is on the county road system in a county as defined in s. 125.011, any remaining toll revenue may be used for the public facilities capitol improvements in sanitary sewer, solid waste, drainage, potable water, parks, or construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue producing project is located, except as provided in s. 348.0004.*

Section 114. Effective upon this act becoming a law, section 943.1759, Florida Statutes, is created to read:

943.1759 *Florida Motorist Profiling Evaluation Task Force.*—

(1) *There is created the Florida Motorist Profiling Evaluation Task Force.—*

(2) *The task force has the following duties:*

(a) *To identify practices currently used by state and local law enforcement agencies of this state in making motor vehicle traffic stops;*

(b) *To identify and recommend changes to address deficiencies, if any, in such current practices;*

(c) *To recommend best practices and policies and procedures that may be adopted by state or local law enforcement agencies of this state to prevent bias profiling and discriminatory practices from serving as a primary factor in determining whether the driver of a motor vehicle should be stopped for a routine traffic violation; and*

(d) *To report its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives by January 1, 2002. The recommendations must specifically include recommendations, including proposed legislation, for assuring that law enforcement agencies' policies for motor vehicle traffic stops are free of bias profiling.*

(3) *The task force shall have 12 members as follows; members may not delegate their duties to attend meetings of the task force and to vote on any matter before the task force to any other person:*

(a) *The Attorney General.*

(b) *The president of the Florida Sheriffs Association.*

(c) *The president of the Florida Police Chiefs Association.*

(d) *One member of the Florida Highway Patrol, to be appointed by the Governor.*

(e) *One member of the Florida Department of Law Enforcement, to be appointed by the Governor.*

(f) *One member of the Florida Commission on Human Relations, to be appointed by the Governor.*

(g) *The executive director of the American Civil Liberties Union of Florida.*

(h) *The state president of the National Association for the Advancement of Colored People.*

(i) *One member of the House of Representatives, to be appointed by the Speaker of the House of Representatives.*

(j) *One member of the Senate, to be appointed by the President of the Senate.*

(k) *One member of the House of Representatives, to be appointed by the minority leader of the House of Representatives.*

(l) *One member of the Senate, to be appointed by the minority leader of the Senate.*

(4) *The Attorney General shall serve as the chair of the task force. Members of the task force must be appointed within 30 days after the effective date of this act, and the task force must hold its first meeting within 60 days after the effective date of this act. In the event of a vacancy, the person who made the original appointment shall appoint a new member to fill the vacancy.*

(5) *Staffing shall be provided to the task force by the Department of Legal Affairs. Technical assistance may be provided to the task force by the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, and the Division of the Florida Highway Patrol.*

(6) *Members of the task force shall serve without compensation but are entitled to per diem and travel expenses as provided in s. 112.061. Members of the task force shall receive per diem and travel expenses from the budgets of their respective agencies, except that the members of the task force appointed pursuant to paragraphs (3)(g) and (h) shall receive*

per diem and travel expenses from the budget of the Office of the Attorney General to the extent that resources will permit.

(7) *The task force may appoint subcommittees that include persons who are knowledgeable in a subject area pertinent to the subject areas identified in subsection (2) but are not members of the task force and may not vote as such.*

(8) *The task force may seek support in the form of grants and technical assistance from the United States Department of Justice and other applicable federal agencies in furtherance of its duties as provided in this act.*

(9) *The task force is abolished April 1, 2002.*

Section 115. Effective upon this act becoming a law, section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) *By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.*

Section 116. *On or before January 1, 2002, each state and local law enforcement agency shall incorporate an anti-racial or other anti-discriminatory profiling policy into the agency's policies and practices. Anti-profiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.*

Section 117. Effective July 1, 2002, sections 332.201, 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210, and 332.211, Florida Statutes, are created to read:

332.201 Short title.—*Sections 332.201-332.211 may be cited as the "Florida Airport Authority Act."*

332.202 Definitions.—*As used in this act:*

(1) "Agency of the state" means and includes the state and any department of, or corporation, agency, or instrumentality created, designated, or established by, the state.

(2) "Airport" means any area of land or water, or any manmade object or facility located therein, which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for public use, for airport buildings or other airport facilities or rights-of-way.

(3) "Airport system" means any and all airports within the geographic boundaries of an airport authority established pursuant to this act and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for such airport.

(4) "Authority" means an airport authority established pursuant to this act which is a body politic and corporate and a public instrumentality.

(5) "Bonds" means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which an authority issues pursuant to this act.

(6) "Department" means the Department of Transportation.

(7) "Division" means the Division of Bond Finance of the State Board of Administration.

(8) "Express written consent" means prior express written consent given in the form of a resolution adopted by a board of county commissioners.

(9) "Federal agency" means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality created, designated, or established by, the United States.

332.203 Airport authority; formation; membership.—

(1) Any county which has a population of more than 2.1 million people shall at the countywide election hold a referendum in which the electors shall decide whether to form an airport authority, which shall be an agency of the state, pursuant to this act.

(2) The governing body of the authority shall consist of seven voting members, two of whom shall be appointed by the Governor subject to confirmation by the Senate. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(a) The two members of the governing body appointed by the Governor, subject to confirmation by the Senate, shall serve terms of 4 years. Such persons may not hold elective office during their terms of office.

(b) Two members shall be appointed by the County Ethics Commission.

(c) One member shall be appointed by the County Mayor.

(d) Two members shall be appointed by the County Commission.

(3)(a) The governing body of each authority shall elect one of its members as its chair and shall elect a secretary and a treasurer, who need not be members of the authority. The chair, secretary, and treasurer shall hold their offices at the will of the governing body. A simple majority of the governing body constitutes a quorum, and the vote of a majority of those members present is necessary for the governing body to take any action. A vacancy on a governing body shall not impair the right of a quorum of the governing body to exercise all of the rights and perform all of the duties of the authority.

(b) Upon the effective date of his or her appointment, or as soon thereafter as practicable, each appointed member of a governing body shall enter upon his or her duties.

(4)(a) An authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, and such engineers and employees, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation of such persons, firms, or corporations. An authority may employ a fiscal agent or agents; however, the authority must solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agent. An authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

(b) Members of the governing body of an authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(c) Members of the governing body of an authority are entitled to receive from the authority their travel and other necessary expenses incurred in connection with the business of the authority as provided in s. 112.061, but they may not draw salaries or other compensation.

(d) Members of the governing body of an authority shall be required to comply with the applicable financial disclosure requirements of ss. 112.3144, 112.3148, and 112.3149.

(5) No member or spouse shall be the holder of the stocks or bonds of any company, other than through ownership of shares in a mutual fund, regulated by the authority, or any affiliated company of any company regulated by the authority, or be an agent or employee of, or have any interest in, any company regulated by the authority or any affiliated company of any company regulated by the authority, or in any firm which represents in any capacity either companies which are regulated by the authority or affiliates of companies regulated by the authority. As a condition of appointment to the council, each appointee shall affirm to the Speaker and the President his or her qualification by the following certification: "I hereby certify that I am not a stockholder, other than through ownership of shares in a mutual fund, in any company regulated by the authority or in any affiliate of a company regulated by the authority, nor in any way, directly or indirectly, in the employment of, or engaged in the management of any company regulated by the authority or any affiliate of a company regulated by the authority, or in any firm which represents in any capacity either companies which are regulated by the authority or affiliates of companies regulated by the authority." A member of the authority shall not contribute to the campaign account of any elected official, nor solicit any campaign contributions for any elected official.

332.204 Purposes and powers.—

(1)(a) An authority created and established pursuant to this act may acquire, hold, construct, improve, maintain, operate, own, and lease an airport system.

(b) Construction of an airport system may be completed by an authority in segments, phases, or stages, in a manner which will permit the expansion of these segments, phases, or stages to the desired airport configuration. Each authority, in the construction of an airport system, may construct any extensions of, additions to, or improvements to, the airport system or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access, with such changes, modifications, or revisions of the project that are deemed desirable and proper. An authority may only add additional airports to an airport system, under the terms and conditions set forth in this act, with the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority, and only if such additional airports are financially feasible, and are compatible with the existing plans, projects, and programs of the authority.

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, and complain and defend in all courts.

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire, purchase, hold, lease as lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the authority and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

(d) To enter into and make leases, either as lessee or as lessor, in order to carry out the right to lease as set forth in this act.

(e) To fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for the services and facilities of the airport system, which rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this act.

(f) To borrow money, make and issue negotiable notes, bonds, refund bonds and other evidence of indebtedness, either in temporary or definitive form, of the authority, which bonds or other evidence of

indebtedness may be issued pursuant to the State Bond Act, to finance an airport system within the geographic boundaries of the authority, and to provide for the security of the bonds or other evidence of indebtedness and the rights and remedies of the holders of the bonds or other evidence of indebtedness. Any bonds or other evidence of indebtedness pledging the full faith and credit of the state shall only be issued pursuant to the State Bond Act.

(g) To enter into contracts and to execute all instruments necessary or convenient for the carrying on of its business.

(h) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases, or other transactions with, any federal agency, the state, any agency of the state or county, or any other public body of the state.

(i) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(j) To pledge, hypothecate, or otherwise encumber all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority, as security for all or any of the obligations of the authority.

(k) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by law.

(l) An airport authority may consider any unsolicited proposals from private entities and all factors it deems important in evaluating such proposals. The airport authority shall adopt rules or policies in compliance with s. 334.30 for the receipt, evaluation, and consideration of such proposals in order to enter into agreements for the planning design, engineering, construction, operation, ownership, or financing of its airport system. Such rules must require substantially similar technical information as is required by Rule 14-107.0011(3)(a)-(e), Florida Administrative Code. In accepting a proposal and entering into such an agreement, the airport authority and the private entity shall for all purposes be deemed to have complied with chapters 255 and 287. Similar proposals shall be reviewed and acted on by the authority in the order in which they were received. An additional airport may only be constructed under this paragraph with state and federal approval, and with the prior express written consent of the board of county commissioners of each county located within the geographical boundaries of the authority.

(3) The use or pledge of any portion of county tax funds may not be made without the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority.

(4) Any authority formed pursuant to this act shall comply with all statutory requirements of general application which relate to the filing of any report or documentation required by law, including the requirements of ss. 189.4085, 189.415, 189.417, and 189.418.

(5) No airport authority shall undertake any construction that is not consistent with federal aviation requirements, the statewide aviation system plan, and the county's comprehensive plan.

(6) The governing body of the county may enter into an interlocal agreement with an authority pursuant to chapter 163 for the joint performance or performance by either governmental entity of any corporate function of the county or authority necessary or appropriate to enable the authority to fulfill the powers and purposes of this act and promote the efficient and effective transportation of persons and goods in such county.

332.205 Bonds.—With the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of an authority, bonds may be issued on behalf of an authority as provided by the State Bond Act.

332.206 County may be appointed agent of authority for construction.—The county may be appointed by the authority as its agent for the purpose of constructing improvements to an airport system and for the completion thereof. In such event, the authority shall provide the

county with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto; shall request the county to do such construction work, including the planning, surveying, and actual construction of the completion and improvements to the airport system; and shall transfer to the credit of an account of the county the necessary funds therefor.

332.207 Acquisition of lands and property.—

(1) For the purposes of this act, an airport authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any of the purposes of this act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, replacement access for landowners whose access is impaired due to the improvement of an airport system, and replacement rights-of-way for relocated rail and utility facilities; or for existing, proposed, or anticipated transportation facilities within the airport system. The authority may also condemn any material and property necessary for such purposes.

(2) The right of eminent domain conferred by this act must be exercised by an authority in the manner provided by law.

332.208 Cooperation with other units, boards, agencies, and individuals.—Express authority and power is given and granted to any county, municipality, drainage district, road and bridge district, school district, or other political subdivision, board, commission, or individual in or of this state to enter into contracts, leases, conveyances, or other agreements within the provisions and purposes of this act with an authority. An authority may enter into contracts, leases, conveyances, and other agreements, to the extent consistent with this chapter and chapters 330, 331, and 333 and other provisions of the laws of the state, with any political subdivision, agency, or instrumentality of the state and any federal agency, corporation, and individual, for the purpose of carrying out the provisions of this act.

332.209 Covenant of the state.—The state does hereby pledge to, and agrees with, any person, firm, corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by an authority for the purposes of this act that the state will not limit or alter the rights hereby vested in an authority and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged, insofar as the same affects the rights of the holders of bonds issued hereunder. The state does further pledge to, and agrees with, the United States that, in the event any federal agency constructs, or contributes any funds for the completion, extension, or improvement of, an airport system or any part or portion thereof, the state will not alter or limit the rights and powers of an authority and the department in any manner which would be inconsistent with the continued maintenance and operation of the airport system or the completion, extension, or improvement thereof or which would be inconsistent with the due performance of any agreement between the authority and any such federal agency, and the authority and the department shall continue to have and may exercise all powers granted so long as the same shall be necessary or desirable for carrying out the purposes of this act and the purposes of the United States in the completion, extension, or improvement of the airport system or any part or portion thereof.

332.210 Exemption from taxation.—The effectuation of the authorized purposes of an airport authority is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. For this reason, an authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired by it or used by it for such purposes or upon any revenues at any time received by it. The bonds issued by or on behalf of an authority, their transfer, and the income therefrom, including any profits made on the sale thereof, are exempt from taxation of any kind by the state or by any political subdivision or other taxing agency or instrumentality thereof. The exemption granted by this section does not apply to any tax imposed

under chapter 220 on interest, income, or profits on debt obligations owned by corporations.

332.211 *Exemption from applicability.*—This act does not apply in a county in which an authority has been created pursuant to a general or special act of the Legislature for the purpose of owning, building, or operating an airport.

Section 118. *The provisions of the Florida Airport Authority Act, sections 332.201–332.211, Florida Statutes, shall not apply to any county which has created its own airport authority.*

Section 119. *Members of the authority created pursuant to the Florida Airport Authority Act, sections 332.201–332.211, Florida Statutes, are required to file full and public disclosure of financial interests pursuant to section 112.3144, Florida Statutes.*

Section 120. *The sum of \$650,000 is appropriated to the Florida Commercial Space Financing Corporation from the General Revenue Fund for fiscal year 2001-2002, and the sum of \$650,000 is appropriated to the Spaceport Florida Authority from the General Revenue Fund for fiscal year 2001-2002. The funds distributed to the Florida Commercial Space Financing Corporation by the General Appropriations Act shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. The director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit may serve as official liaisons to the Space Industry Committee in a nonfiduciary, nonvoting advisory role. The committee recognizes the value of input from the Federal Government, but also realizes that these persons' fiduciary duties remain with the Federal Government. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority by the General Appropriations Act shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. The director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit may serve as official liaisons to the Space Industry Committee in a nonfiduciary, nonvoting advisory role. The*

committee recognizes the value of input from the Federal Government, but also realizes that these persons' fiduciary duties remain with the Federal Government. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.

Section 121. Effective October 1, 2001, subsection (9) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(9) A nonrefundable fee of \$1.50 shall be charged on the initial and renewal registration of each automobile for private use, and on the initial and renewal registration of each truck, ~~regardless of having a net weight, except those taxed under s. 320.0715 and s. 320.08(3)(d) and (4); each trailer, except those taxed under s. 320.08(5)(a) and (b); and each motorcycle and for each tag transfer and each temporary tag of 5,000 pounds or less.~~ Such fees shall be deposited in the Transportation Disadvantaged Trust Fund created in part I of chapter 427 and shall be used as provided therein, except that priority shall be given to the transportation needs of those who, because of age or physical and mental disability, are unable to transport themselves and are dependent upon others to obtain access to health care, employment, education, shopping, or other life-sustaining activities.

Section 122. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to Transportation Department; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3177(6); providing for incorporation of an airport master plan into the local government comprehensive plan and providing requirements with respect thereto; providing that development that is consistent with an approved plan is not a development of regional impact; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 73.092, F.S., specifying the award of attorney's fees and costs in eminent domain proceedings; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 311.07, F.S.; providing an exemption from matching funds for seaport security projects; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning

commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body

authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact approval or notification of proposed change pending, on the effective

date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; amending s. 316.003; defining the term "motorized scooter"; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending ss. 320.08056 and 320.08058, F.S.; providing for a Florida Golf license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate; providing for the distribution and use of fees; requiring the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended; amending s. 331.367, F.S.; revising the membership and functions of entities under the Spaceport Management Council; amending s. 331.368, F.S.; revising provisions relating to the authority of the Florida Space Research Institute; amending s. 338.165, F.S.; providing for the use of remaining title revenues in certain counties; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy; creating ss. 332.201, 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210, and 332.211, F.S.; creating the Florida Airport Authority Act; providing definitions; providing that certain counties shall form an airport authority; providing that certain former military facilities redeveloped and operated as an airport shall be redeveloped and operated by an authority under the act, and providing for membership of the governing body of such authorities; providing for appointment of members of the governing body of an authority; providing for officers, employees, expenses, removal from office, and application of financial disclosure provisions; providing purposes and powers of an authority; providing restrictions on authority powers; providing for issuance of bonds; providing that the county may be appointed as an authority's agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing a covenant of the state with respect to bond issuance and agreements with federal agencies; providing an exemption from taxation; providing for applicability; requiring members of the authority to file financial disclosure; providing appropriations; providing funding to the Florida Commercial Space Financing Corporation and the Spaceport Florida Authority and used for funding aerospace infrastructure; providing duties of the corporation, the authority, the Office of Tourism, Trade, and Economic Development, and the Space Industry Committee; providing a definition; providing an appropriation; providing effective dates.

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 952581)

House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 197, between lines 13 and 14

insert:

Section 122. Subsections (1) and (21) of section 316.003, Florida Statutes, are amended, and subsection (82) is added to said section, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and

emergency vehicles of municipal departments, public service corporations operated by private corporations, the Department of Environmental Protection, *the Department of Health*, and the Department of Transportation as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

(21) MOTOR VEHICLE.—Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, *motorized scooter*, or moped.

(82) *MOTORIZED SCOOTER*.—Any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground.

Section 123. Subsections (2) and (3) of section 316.006, Florida Statutes, are amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(2) MUNICIPALITIES.—

(a) Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.

3. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement, if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation. However, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

This subsection shall not limit those counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic control devices which conform to the manual and specifications of the Department of Transportation on streets and highways located within municipal boundaries.

(3) COUNTIES.—

(a) Counties shall have original jurisdiction over all streets and highways located within their boundaries, except all state roads and those streets and highways specified in subsection (2), and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A county may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located in the unincorporated area within its boundaries if the county and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the county, for county traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. Prior to entering into an agreement which provides for enforcement of the traffic laws of the state over a private road or roads, or over any limited access road or roads owned or controlled by a special district, the governing body of the county shall consult with the sheriff. No such agreement shall take effect prior to October 1, the beginning of the county fiscal year, unless this requirement is waived in writing by the sheriff.

3. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by counties under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority.

4. *Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement, if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation. However, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.*

Notwithstanding the provisions of subsection (2), each county shall have original jurisdiction to regulate parking, by resolution of the board of county commissioners and the erection of signs conforming to the manual and specifications of the Department of Transportation, in parking areas located on property owned or leased by the county, whether or not such areas are located within the boundaries of chartered municipalities.

Section 124. Effective July 1, 2001, subsection (4) of section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited.—

(4) A law enforcement officer, *compliance examiner*, ~~or~~ license inspector, or supervisor of the department, ~~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, *compliance examiner*, ~~or~~ license inspector, or supervisor of the department. 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 125. Subsection (4) of section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations and other parking violations.—

(4) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100 *or the fine amount designated by county ordinance*, plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

Section 126. Subsection (2) of section 316.1975, Florida Statutes, is amended to read:

316.1975 Unattended motor vehicle.—

(2) This section does not apply to the operator of:

(a) An authorized emergency vehicle while in the performance of official duties and the vehicle is equipped with an activated antitheft device that prohibits the vehicle from being driven; ~~or~~

(b) A licensed delivery truck or other delivery vehicle while making deliveries; *or*

(c) *A solid waste or recovered materials vehicle while collecting such items.*

Section 127. Section 316.2065, Florida Statutes, is amended to read:

316.2065 Bicycle and motorized scooter regulations.—

(1) Every person propelling a vehicle by human power, *or operating a motorized scooter as defined in s. 316.003*, has all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.

(2) A person operating a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto.

(3)(a) A bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his or her person in a backpack or sling.

(b) Except as provided in paragraph (a), a bicycle rider must carry any passenger who is a child under 4 years of age, or who weighs 40 pounds or less, in a seat or carrier that is designed to carry a child of that age or size and that secures and protects the child from the moving parts of the bicycle.

(c) A bicycle rider may not allow a passenger to remain in a child seat or carrier on a bicycle when the rider is not in immediate control of the bicycle.

(d) A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department. As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

(e) Law enforcement officers and school crossing guards may issue a bicycle safety brochure and a verbal warning to a bicycle rider or passenger who violates this subsection. A bicycle rider or passenger who violates this subsection may be issued a citation by a law enforcement officer and assessed a fine for a pedestrian violation, as provided in s. 318.18. The court shall dismiss the charge against a bicycle rider or passenger for a first violation of paragraph (d) upon proof of purchase of a bicycle helmet that complies with this subsection.

(f) *A person operating a motorized scooter may not carry passengers.*

(4) No person riding upon any bicycle, coaster, roller skates, sled, *motorized scooter*, or toy vehicle may attach the same or himself or herself to any vehicle upon a roadway. This subsection does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer is commercially available and has been designed for such attachment.

(5)(a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-

hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle, *motorized scooter*, or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, *motorized scooter*, pedestrian, animal, surface hazard, or substandard-width lane, that makes it unsafe to continue along the right-hand curb or edge. For the purposes of this subsection, a "substandard-width lane" is a lane that is too narrow for a bicycle or *motorized scooter* and another vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle or *motorized scooter* upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(6) Persons riding bicycles or *motorized scooters* upon a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and shall ride within a single lane.

(7) Any person operating a bicycle or *motorized scooter* shall keep at least one hand upon the handlebars.

(8) Every bicycle or *motorized scooter* in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or *motorized scooter* its rider may be equipped with lights or reflectors in addition to those required by this section.

(9) No parent of any minor child and no guardian of any minor ward may authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

(10) A person propelling a vehicle by human power or operating a *motorized scooter*, upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

(11) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(12) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, may go upon any roadway except while crossing a street on a crosswalk; and, when so crossing, such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians.

(13) This section shall not apply upon any street while set aside as a play street authorized herein or as designated by state, county, or municipal authority.

(14) Every bicycle and *motorized scooter* shall be equipped with a brake or brakes which will enable its rider to stop the bicycle or *motorized scooter* within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(15) A person engaged in the business of selling bicycles or *motorized scooters* at retail shall not sell ~~any~~ bicycle or *motorized scooter* unless it the bicycle has an identifying number permanently stamped or cast on its frame.

(16)(a) A person may not knowingly rent or lease any bicycle to be ridden by a child who is under the age of 16 years unless:

1. The child possesses a bicycle helmet; or

2. The lessor provides a bicycle helmet for the child to wear.

(b) A violation of this subsection is a nonmoving violation, punishable as provided in s. 318.18.

(17) The court may waive, reduce, or suspend payment of any fine imposed under subsection (3) or subsection (16) and may impose any other conditions on the waiver, reduction, or suspension. If the court finds that a person does not have sufficient funds to pay the fine, the court may require the performance of a specified number of hours of community service or attendance at a safety seminar.

(18) Notwithstanding s. 318.21, all proceeds collected pursuant to s. 318.18 for violations under paragraphs (3)(e) and (16)(b) shall be deposited into the State Transportation Trust Fund.

(19) The failure of a person to wear a bicycle helmet or the failure of a parent or guardian to prevent a child from riding a bicycle without a bicycle helmet may not be considered evidence of negligence or contributory negligence.

(20) Except as otherwise provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a pedestrian violation as provided in chapter 318. A law enforcement officer may issue traffic citations for a violation of subsection (3) or subsection (16) only if the violation occurs on a bicycle path or road, as defined in s. 334.03. However, they may not issue citations to persons on private property, except any part thereof which is open to the use of the public for purposes of vehicular traffic.

Section 128. Subsection (2) of section 316.228, Florida Statutes, is amended to read:

316.228 Lamps or flags on projecting load.—

(2) Any *commercial* motor vehicle or trailer, ~~except as stated in s. 316.515(7)~~, transporting a load of *unprocessed logs or, long pulpwood, poles, or posts* which ~~load extends~~ extend more than 4 feet beyond the rear of the body or bed of such vehicle, must have securely fixed as close as practical to the end of any such projection one amber strobe-type lamp equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. *If the mounting of one strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple strobe lights shall be utilized so as to meet the visibility requirements of this subsection.* The strobe lamp must flash at a rate of at least 60 flashes per minute and must be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting load at any time of the day or night. The lamp must be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. *The projecting load shall also be marked with a red flag as described in subsection (1).*

Section 129. Subsection (9) of section 316.2397, Florida Statutes, is amended to read:

316.2397 Certain lights prohibited; exceptions.—

(9) Flashing red lights may be used by emergency response vehicles of the Department of Environmental Protection and the Department of Health when responding to an emergency in the line of duty.

Section 130. Section 316.520, Florida Statutes, is amended to read:

316.520 Loads on vehicles.—

(1) A vehicle may not be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand,

lime rock, gravel, silica, or other similar aggregate or trash, garbage, or any similar material that could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover is required.

(3) A violation of this section is a noncriminal traffic infraction, punishable as a *moving nonmoving* violation as provided in chapter 318.

(4) *This section does not apply to vehicles carrying agricultural products locally from a field harvest site to a farm storage site or to a farm feed lot on roads where the posted speed limit is 60 miles per hour or less and the distance driven on public roads is less than 20 miles.*

Section 131. Subsections (1), (2), and (3) of section 316.640, Florida Statutes, are amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes at least 200 hours of instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority ~~other than for the issuance of a traffic citation as authorized in this paragraph.~~

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of *a state university, a direct support organization of such state university, or any other organization controlled by the state university or a direct support organization of the state university the State University System*, except that traffic laws may be enforced off-campus when hot pursuit originates ~~on-campus~~ *on or adjacent to any such property or facilities.*

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any

officers under s. 943.12. Nothing in this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

(2) COUNTIES.—

(a) The sheriff's office of each of the several counties of this state shall enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the county wherever the public has the right to travel by motor vehicle. In addition, the sheriff's office may be required by the county to enforce the traffic laws of this state on any private or limited access road or roads over which the county has jurisdiction pursuant to a written agreement entered into under s. 316.006(3)(b).

(b) The sheriff's office of each county may employ as a traffic crash investigation officer any individual who successfully completes at least 200 hours of instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any

such traffic crash investigation officer who makes an investigation at the scene of a traffic crash may issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person who was involved in the crash has committed an offense under this chapter, *chapter 319, chapter 320, or chapter 322* in connection with the crash accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

(c) The sheriff's office of each of the several counties of this state may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

1. A parking enforcement specialist employed by the sheriff's office of each of the several counties of this state is authorized to enforce all state and county laws, ordinances, regulations, and official signs governing parking within the unincorporated areas of the county by appropriate state or county citation and may issue such citations for parking in violation of signs erected pursuant to s. 316.006(3) at parking areas located on property owned or leased by a county, whether or not such areas are within the boundaries of a chartered municipality.

2. A parking enforcement specialist employed pursuant to this subsection shall not carry firearms or other weapons or have arrest authority.

(3) MUNICIPALITIES.—

(a) The police department of each chartered municipality shall enforce the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the municipality wherever the public has the right to travel by motor vehicle. In addition, the police department may be required by a municipality to enforce the traffic laws of this state on any private or limited access road or roads over which the municipality has jurisdiction pursuant to a written agreement entered into under s. 316.006(2)(b). However, nothing in this chapter shall affect any law, general, special, or otherwise, in effect on January 1, 1972, relating to "hot pursuit" without the boundaries of the municipality.

(b) The police department of a chartered municipality may employ as a traffic crash investigation officer any individual who successfully completes at least 200 hours of instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved in the crash has committed an offense under the provisions of this chapter, *chapter 319, chapter 320, or chapter 322* in connection with the crash. ~~Nothing in This paragraph does not shall be construed to permit the carrying of firearms or other weapons, nor do shall such officers have arrest authority other than for the issuance of a traffic citation as authorized above.~~

(c)1. A chartered municipality or its authorized agency or instrumentality may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

2. A parking enforcement specialist employed by a chartered municipality or its authorized agency or instrumentality is authorized to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, by appropriate state, county, or municipal traffic citation. ~~Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such a parking enforcement specialist have arrest authority.~~

3. A parking enforcement specialist employed pursuant to this subsection may not carry firearms or other weapons or have arrest authority.

Section 132. Subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3) Every traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town, shall deposit the original and one copy of such traffic citation or, in the case of a traffic enforcement agency which has an automated citation issuance system, shall provide an electronic facsimile with a court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 days after issuance to the violator. *If a law enforcement officer distributes additional information, such information shall be a copy of the traffic school reference guide.*

Section 133. Subsection (9) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who is cited for an infraction under this section other than a violation of s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld; points, as provided by s. 322.27, may not be assessed; and the civil penalty that is imposed by s. 318.18(3) must be reduced by 18 percent; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. ~~A person may make no more than five elections under this subsection.~~ The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court.

Section 134. Subsection (6) and paragraph (a) of subsection (8) of section 318.18, Florida Statutes, are amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(6) One hundred dollars or the fine amount designated by county ordinance, plus court costs for illegally parking, under s. 316.1955, in a parking space provided for people who have disabilities. However, this fine will be waived if a person provides to the law enforcement agency that issued the citation for such a violation proof that the person committing the violation has a valid parking permit or license plate issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848 or a signed affidavit that the owner of the disabled parking permit or license plate was present at the time the violation occurred, and that such a parking permit or license plate was valid at the time the violation occurred. The law enforcement officer, upon determining that all required documentation has been submitted verifying that the required parking permit or license plate was valid at the time of the violation, must sign an affidavit of compliance. Upon provision of the affidavit of compliance and payment of a \$5 dismissal fee to the clerk of the circuit court, the clerk shall dismiss the citation.

(8)(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. 318.14 must pay an additional civil

penalty of \$12, \$2.50 of which must be deposited into the General Revenue Fund, and \$9.50 of which must be deposited in the Highway Safety Operating Trust Fund. There is hereby appropriated from the Highway Safety Operating Trust Fund for fiscal year 1996-1997 the amount of \$4 million. From this appropriation the department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. On or before December 1, 2002 ~~2001~~, the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

(b) Any person who fails to comply with the court's requirements as to civil penalties specified in this section due to demonstrable 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 person who committed the infraction may perform 120 community service hours under s. 316.027(4), in addition to any other penalties.

Section 135. Paragraph (b) of subsection (1) and subsection (2) of section 322.0261, Florida Statutes, are amended to read:

322.0261 Mandatory driver improvement course; certain crashes.—

(1) The department shall screen crash reports received under s. 316.066 or s. 324.051 to identify crashes involving the following:

(b) A ~~second crash by the same operator within the previous 2-year period~~ involving property damage in an apparent amount of at least ~~\$2,500~~ \$500.

(2) With respect to an operator convicted of, or who pleaded nolo contendere to, a traffic offense giving rise to a crash identified pursuant to subsection (1), the department shall require that the operator, in addition to other applicable penalties, attend a departmentally approved basic driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days of receiving notice from the department, the operator's driver's license shall be canceled by the department until the course is successfully completed.

Section 136. Section 322.02615, Florida Statutes, is created to read:

322.02615 Mandatory driver improvement course; certain violations.—

(1) The department shall screen reports of convictions for violations of chapter 316 to identify operators who:

(a) Are less than 21 years of age and have been convicted of, or pleaded nolo contendere to, a noncriminal moving infraction and have also been convicted of, or pleaded nolo contendere to, another noncriminal moving infraction since initial license issuance.

(b) Have been convicted of, or pleaded nolo contendere to, more than one noncriminal moving infraction in a 12-month period.

(2) With respect to an operator convicted of, or who has pleaded nolo contendere to, a noncriminal traffic offense identified under subsection (1), the department shall require that the operator, in addition to other

applicable penalties, attend a departmentally approved basic driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days after receiving notice from the department, the operator's driver's license shall be suspended by the department until the course is successfully completed.

(3) Attendance of a course approved by the department as a driver improvement course for purposes of s. 318.14(9) shall satisfy the requirements of this section. However, attendance of a course as required by this section is not included in the limitation on course elections under s. 318.14(9).

Section 137. Subsection (5) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(5)(a) No governmental entity or court shall provide, issue, or maintain any information or orders regarding driver improvement schools or course providers, with the exception of the traffic school reference guide or course provider list referred to in paragraph (b) ~~directing inquiries or requests to the local telephone directory heading of driving instruction or the traffic school reference guide.~~ However, the department is authorized to maintain the information and records necessary to administer its duties and responsibilities for driver improvement courses. Where such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1). Course providers receiving requests for information about traffic schools from geographic areas that they do not serve shall provide a telephone number for a course provider that they believe services such geographic area.

(b) The department shall prepare for any governmental entity or court to ~~distribute~~ a traffic school reference guide which shall list the benefits of attending a driver improvement school and contain the names of the fully approved course providers with a single telephone number for each such provider, as furnished by the provider. The cost of producing the traffic school reference guide must be assumed equally by providers electing to have their course included in the guide. Clerks of court may reproduce the traffic school reference guide course provider list, provided that each name is rotated on each reproduction so that each provider occupies each position on the list in an equitable manner, ~~but under no circumstance may any list of course providers or schools be included, and shall refer further inquiries to the telephone directory under driving instruction.~~

Section 138. Section 319.001, Florida Statutes, is amended to read:

319.001 Definitions.—As used in this chapter, the term:

(1) "Department" means the Department of Highway Safety and Motor Vehicles.

(2) "Front-end assembly" means fenders, hood, grill, and bumper.

(3)(2) "Licensed dealer," unless otherwise specifically provided, means a motor vehicle dealer licensed under s. 320.27, a mobile home dealer licensed under s. 320.77, or a recreational vehicle dealer licensed under s. 320.771.

(4) "Motorcycle body assembly" means frame, fenders, and gas tanks.

(5) "Motorcycle engine" means cylinder block, heads, engine case, and crank case.

(6) "Motorcycle transmission" means drive train.

(7)(3) "New mobile home" means a mobile home the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser.

(8)(4) "New motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser; however, when legal title is not transferred but possession of a motor vehicle is transferred pursuant to a conditional sales contract or lease and the conditions are not satisfied and the vehicle is returned to the motor

vehicle dealer, the motor vehicle may be resold by the motor vehicle dealer as a new motor vehicle, provided the selling motor vehicle dealer gives the following written notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER." The purchaser shall sign an acknowledgment, a copy of which is kept in the selling dealer's file.

(9) "Rear body section" means both quarter panels, decklid, bumper, and floor pan.

(10)(5) "Satisfaction of lien" means full payment of a debt or release of a debtor from a lien by the lienholder.

(11)(6) "Used motor vehicle" means any motor vehicle that is not a "new motor vehicle" as defined in subsection (8)(4).

Section 139. Subsections (1), (2), and (3) of section 319.14, Florida Statutes, are amended, subsections (6), (7), and (8) are renumbered as subsections (7), (8), and (9), respectively, and a new subsection (6) is added to said section, to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles and nonconforming vehicles.—

(1)(a) No person shall knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle, or a vehicle that has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, until the department has stamped in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle or the title has been stamped "Manufacturer's Buy Back" to reflect that the vehicle is a nonconforming vehicle. If the certificate of title or duplicate was not so stamped upon initial issuance thereof or if, subsequent to initial issuance of the title, the use of the vehicle is changed to a use requiring the notation provided for in this section, the owner or lienholder of the vehicle shall surrender the certificate of title or duplicate to the department prior to offering the vehicle for sale, and the department shall stamp the certificate or duplicate as required herein. When a vehicle has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, the title shall be stamped "Manufacturer's Buy Back" to reflect that the vehicle is a nonconforming vehicle.

(b) No person shall knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt *or*; assembled from parts, ~~or combined~~, or is a kit car, glider kit, replica, or flood vehicle unless proper application for a certificate of title for a vehicle that is rebuilt *or*; assembled from parts, ~~or combined~~, or is a kit car, glider kit, replica, or flood vehicle has been made to the department in accordance with this chapter and the department or its agent has conducted the physical examination of the vehicle to assure the identity of the vehicle *and all major component parts, as defined in s. 319.30(1)(e), which have been repaired or replaced. Thereafter, the department shall affix a decal to the vehicle, in the manner prescribed by the department, showing the vehicle to be rebuilt.*

(c) As used in this section:

1. "Police vehicle" means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

2.a. "Short-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one or more persons from time to time for a period of less than 12 months.

b. "Long-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one person for a period of 12 months or longer.

c. "Lease vehicle" includes both short-term-lease vehicles and long-term-lease vehicles.

3. "Rebuilt vehicle" means a motor vehicle or mobile home built from salvage or junk, as defined in s. 319.30(1).

4. "Assembled from parts" means a motor vehicle or mobile home assembled from parts *or combined from parts* of motor vehicles or mobile homes, new or used. "Assembled from parts" does not mean a motor vehicle defined as a "rebuilt vehicle" in subparagraph 3., which has been declared a total loss pursuant to s. 319.30.

~~5. "Combined" means assembled by combining two motor vehicles neither of which has been titled and branded as "Salvage Unrebuildable."~~

5.6. "Kit car" means a motor vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated motor vehicle with a new body kit.

6.7. "Glider kit" means a vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated truck or truck tractor.

7.8. "Replica" means a complete new motor vehicle manufactured to look like an old vehicle.

8.9. "Flood vehicle" means a motor vehicle or mobile home that has been declared to be a total loss pursuant to s. 319.30(3)(a) resulting from damage caused by water.

~~9.10.~~ "Nonconforming vehicle" means a motor vehicle which has been purchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681.

~~10.11.~~ "Settlement" means an agreement entered into between a manufacturer and a consumer that occurs after a dispute is submitted to a program, or an informal dispute settlement procedure established by a manufacturer or is approved for arbitration before the New Motor Vehicle Arbitration Board as defined in s. 681.102.

(2) No person shall knowingly sell, exchange, or transfer a vehicle referred to in subsection (1) without, prior to consummating the sale, exchange, or transfer, disclosing in writing to the purchaser, customer, or transferee the fact that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle or is a vehicle that is rebuilt *or*; assembled from parts, ~~or combined~~, or is a kit car, glider kit, replica, or flood vehicle, or is a nonconforming vehicle, as the case may be.

(3) Any person who, with intent to offer for sale or exchange any vehicle referred to in subsection (1), knowingly or intentionally advertises, publishes, disseminates, circulates, or places before the public in any communications medium, whether directly or indirectly, any offer to sell or exchange the vehicle shall clearly and precisely state in each such offer that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle or that the vehicle or mobile home is a vehicle that is rebuilt *or*; assembled from parts, ~~or combined~~, or is a kit car, glider kit, replica, or flood vehicle, or a nonconforming vehicle, as the case may be. Any person who violates this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any person who removes a rebuilt decal from a rebuilt vehicle or who knowingly possesses a rebuilt vehicle from which a rebuilt decal has been removed is guilty of a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 140. Paragraph (c) of subsection (3) and subsection (5) of section 319.23, Florida Statutes, is amended and a new subsection (11) is added to that section to read:

319.23 Application for, and issuance of, certificate of title.—

(3) If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the law of the state or county from which the motor vehicle or mobile home was brought into this state. The application shall also be accompanied by:

~~(e) If the vehicle is an ancient or antique vehicle, as defined in s. 320.086, the application shall be accompanied by a certificate of title; a bill of sale and a registration; or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vehicle description to include the vehicle identification or engine number, year make, color, selling price, and signatures of the seller and purchaser.~~

Verification of the vehicle identification number is not required for any new motor vehicle; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

(5) The certificate of title issued by the department for a motor vehicle or mobile home previously registered outside this state shall give the name of the state or country in which the vehicle was last registered outside this state. ~~The department shall retain the evidence of title presented by the applicant and based on which the certificate of title is issued.~~ The department shall use reasonable diligence in ascertaining whether or not the facts in the application are true; and, if satisfied that the applicant is the owner of the motor vehicle or mobile home and that the application is in the proper form, it shall issue a certificate of title.

(11) The department is not required to retain any evidence of title presented by the applicant and based on which the certificate of title issued.

Section 141. Paragraph (a) of subsection (1) of section 319.28, Florida Statutes, is amended to read:

319.28 Transfer of ownership by operation of law.—

(1)(a) In the event of the transfer of ownership of a motor vehicle or mobile home by operation of law as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, attachment, execution or other judicial sale or whenever the engine of a motor vehicle is replaced by another engine or whenever a motor vehicle is sold to satisfy storage or repair charges or repossession is had upon default in performance of the terms of a security agreement, chattel mortgage, conditional sales contract, trust receipt, or other like agreement, and upon the surrender of the prior certificate of title or, when that is not possible, presentation of satisfactory proof to the department of ownership and right of possession to such motor vehicle or mobile home, and upon payment of the fee prescribed by law and presentation of an application for certificate of title, the department may issue to the applicant a certificate of title thereto. ~~If the application is predicated upon a security agreement, chattel mortgage, conditional sales contract, trust receipt, or other like agreement, the original instrument or a certified copy thereof shall accompany the application; however, if an owner under a chattel mortgage voluntarily surrenders possession of the motor vehicle or mobile home, the original or a certified copy of the chattel mortgage shall accompany the application for a certificate of title and it shall not be necessary to institute proceedings in any court to foreclose such mortgage.~~

Section 142. Paragraphs (e) and (f) of subsection (1) and paragraph (b) of subsection (3) of section 319.30, Florida Statutes, are amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(1) As used in this section, the term:

(e) “Major component parts” means:

1. For motor vehicles other than motorcycles: the front-end assembly (fenders, hood, grill, bumper), cowl assembly, rear body section (both quarter panels, decklid, bumper), floor pan, door assemblies, engine, frame, transmission, and airbag.

2. For trucks, in addition to 1. above: the truck bed.

3. For motorcycles: body assembly, frame, fenders, gas tanks, engine, cylinder block, heads, engine case, crank case, transmission, drive train, front fork assembly, and wheels.

4. For mobile homes: the frame, the front-end assembly (fenders, hood, grill, and bumper); cowl assembly; rear body section (both quarter panels, decklid, bumper, and floor pan); door assemblies; engine; frame; or transmission.

(f) “Major part” means the front-end assembly (fenders, hood, grill, and bumper); cowl assembly; or rear body section (both quarter panels, decklid, bumper, and floor pan).

(3)

(b) The owner of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unrebuilt and print a certificate of destruction, which authorizes the dismantling and destruction of the motor vehicle or mobile home described therein. This certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title, and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than \$1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide. *An insurer paying a total loss claim may obtain a certificate of destruction for such vehicle.* ~~or~~ When a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine, *the insurer shall obtain a certificate of title in its own name before the vehicle may be sold or transferred.* Any person who willfully and deliberately violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 143. Subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) “Motor vehicle” means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, *motorized scooters*, or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The "travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The "camping trailer," which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The "truck camper," which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The "motor home," which is a vehicular unit which does not exceed the 40 feet in length, and the height, and the width limitations provided in s. 316.515, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The "private motor coach," which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The "van conversion," which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The "park trailer," which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The "fifth-wheel trailer," which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Section 144. Subsections (18) and (19) are added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(18) *The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$2 per applicant, which shall be distributed to the Hearing Research Institute, Incorporated, for the purpose of infant hearing screening in Florida.*

(19) *The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$1 per applicant, which shall be distributed to the Juvenile Diabetes Foundation International.*

Section 145. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 320.023, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contributions if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, ~~or to pay the cost of the audit or report required by law.~~

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

~~(b)(e) Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually attest report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.~~

~~(d)(e) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report shall be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(6) Within 90 days after receiving an organization's audit or attestation report, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

~~(7) The Auditor General and the department has have the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.~~

(8) *All organizations seeking to establish a voluntary contribution on a motor vehicle registration application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.*

Section 146. Subsections (1) and (2) of section 320.025, Florida Statutes, are amended to read:

320.025 Registration certificate and license plate issued under fictitious name; application.—

(1) A confidential registration certificate and registration license plate or decal shall be issued under a fictitious name only for a motor vehicle or vessel owned or operated by a law enforcement agency of state, county, municipal, or federal government, the Attorney General's Medicaid Fraud Control Unit, or any state public defender's office. The requesting agency shall file a written application with the department on forms furnished by the department, which includes a statement that the license plate will be used for the Attorney General's Medicaid Fraud Control Unit, or law enforcement or any state public defender's office activities requiring concealment of publicly leased or owned motor vehicles or vessels and a statement of the position classifications of the individuals who are authorized to use the license plate. The department may modify its records to reflect the fictitious identity of the owner or lessee until such time as the license plate and registration certificate are surrendered to it.

(2) Except as provided in subsection (1), any motor vehicle owned or exclusively operated by the state or any county, municipality, or other governmental entity must at all times display a license plate of the type prescribed in s. 320.0655. Any vessel owned or exclusively operated by the state or any county, municipality, or other governmental entity must at all times display a registration number as required in s. 328.56 and a vessel decal as required in s. 328.48(5).

Section 147. Subsections (1) and (2) of section 320.05, Florida Statutes, are amended read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(1) Except as provided in ss. s. 119.07(3) and 320.025(3), the department may release records as provided in this section.

(2) Upon receipt of an application for the registration of a motor vehicle, vessel, or mobile home, as herein provided for, the department shall register the motor vehicle, vessel, or mobile home under the distinctive number assigned to such motor vehicle, vessel, or mobile home by the department. Electronic registration records shall be open to the inspection of the public during business hours. Information on a motor vehicle or vessel registration may not be made available to a person unless the person requesting the information furnishes positive proof of identification. The agency that furnishes a motor vehicle or vessel registration record shall record the name and address of any person other than a representative of a law enforcement agency who requests and receives information from a motor vehicle or vessel registration record and shall also record the name and address of the person who is the subject of the inquiry or other information identifying the entity about which information is requested. A record of each such inquiry must be maintained for a period of 6 months from the date upon which the information was released to the inquirer. Nothing in this section shall prohibit any financial institution, insurance company, motor vehicle dealer, licensee under chapter 493, attorney, or other agency which the department determines has the right to know from obtaining, for professional or business use only, information in such records from the department through any means of telecommunication pursuant to a code developed by the department providing all fees specified in subsection (3) have been paid. The department shall disclose records or information to the child support enforcement agency to assist in the location of individuals who owe or potentially owe child support or to whom such an obligation is owed pursuant to Title IV-D of the Social Security Act.

Section 148. Subsection (5) 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:

(5) For a vehicle subject to apportioned registration under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the registration period shall be a period of 12 months beginning in a month designated by the department and ending on the last day of the 12th month. For a vehicle subject to

this registration period, the renewal period is the last month of the registration period. The registration period may be shortened or extended at the discretion of the department, on receipt of the appropriate prorated fees, in order to evenly distribute such registrations on a monthly basis. For vehicles subject to registration other than apportioned under s. 320.08(4), (5)(a)1., (6)(b), or (14), the registration period begins December 1 and ends November 30. The renewal period is the 31-day period beginning December 1.

Section 149. Paragraphs (b) and (c) of subsection (1) of section 320.06, Florida Statutes, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced. The fee for such replacement shall be \$10, \$2 of which shall be paid each year before the plate is replaced, to be credited towards the next \$10 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee when the plate is replaced or surrendered before the end of the 5-year period. With each license plate, there shall be issued a validation sticker showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker is to be placed on the upper right corner of the license plate. ~~This validation sticker shall be placed on the upper left corner of the license plate and shall be issued one time during the life of the license plate, or upon request when it has been damaged or destroyed. There shall also be issued with each license plate a serially numbered validation sticker showing the year of expiration, which sticker shall be placed on the upper right corner of the license plate.~~ Such license plate and validation stickers shall be issued based on the applicant's appropriate renewal period. The registration period shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

(c) Registration license plates equipped with validation stickers shall be valid for not more than 12 months and shall expire at midnight on the last day of the registration period. For each registration period after the one in which the metal registration license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the month and year of expiration shall be issued upon payment of the proper license tax amount and fees and shall be valid for not more than 12 months. When license plates equipped with validation stickers are issued in any month other than the owner's birth month or the designated registration period for any other motor vehicle, the effective date shall reflect the birth month or month and the year of renewal. However, when a license plate or validation sticker is issued for a period of less than 12 months, the applicant shall pay the appropriate amount of license tax and the applicable fee under the provisions of s. 320.14 in addition to all other fees. Validation stickers issued for vehicles taxed under the provisions of s. 320.08(6)(a), for any company which owns 250 vehicles or more, or for semitrailers taxed under the provisions of s. 320.08(5)(a), for any company which owns 50 vehicles or more, may be placed on any vehicle in the fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.

Section 150. Paragraphs (h) and (i) are added to subsection (2) of section 320.072, Florida Statutes, to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(1) A fee of \$100 is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(2) The fee imposed by subsection (1) shall not apply to:

(h) Any license plate issued in the previous 10-year period from the date the transaction is being processed.

(i) Any license plate issued to a vehicle taxed under s. 320.08(2), (3), and (9)(c) or (d) at any time during the previous 10-year period.

Section 151. Subsection (6) of section 320.0805, Florida Statutes, is amended to read:

320.0805 Personalized prestige license plates.—

(6) A personalized prestige license plate shall be issued for the exclusive continuing use of the applicant. An exact duplicate of any plate may not be issued to any other applicant during the same registration period. An exact duplicate may not be issued for any succeeding year unless the previous owner of a specific plate relinquishes it by failure to apply for renewal or reissuance for 1 year following the last year of issuance ~~three consecutive annual registration periods following the original year of issuance.~~

Section 152. Paragraph (h) of subsection (4) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(h) Florida educational license plate, \$25 ~~\$15~~.

Section 153. Paragraph (ff) is added to subsection (4) of section 320.08056, Florida Statutes, and paragraphs (a), (b), and (c) of subsection (8) of that section, are amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(ff) Florida Golf license plate, \$25.

(8)(a) The department must discontinue the issuance of an approved specialty license plate if:

1. Less than 8,000 plates, including annual renewals, are issued for that specialty license plate by the end of the 5th year of sales.

2. Less than 8,000 plates, including annual renewals, are issued for that specialty license plate during any subsequent 5-year period.

(b) The department is authorized to discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request. *An organization is required to notify the department immediately to stop all warrants for plate sales if any of the conditions in this section exist, and the organization must comply with s. 320.08062 for any period of operation during a fiscal year.*

(c) The requirements of paragraph (a) shall not apply to collegiate specialty license plates authorized in s. 320.08058(3), ~~and (13), (21), and (26).~~

Section 154. Subsection (32) is added to section 320.08058, Florida Statutes to read:

320.08058 Specialty license plates.—

(32) FLORIDA GOLF LICENSE PLATES.—

(a) *The Department of Highway Safety and Motor Vehicles shall develop a Florida Golf license plate as provided in this section. The word "Florida" must appear at the bottom of the plate. The Dade Amateur Golf Association, following consultation with the PGA TOUR, the Florida Sports Foundation, the LPGA and the PGA of America may submit a revised sample plate for consideration by the department.*

(b) *The department shall distribute the Florida Golf license plate annual use fee to the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees are to be annually allocated as follows:*

1. *Up to five percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation for the administration of the Florida Youth Golf Program.*

2. *The Dade Amateur Golf Association shall receive the first \$80,000 in proceeds from the annual use fees for the operation of youth golf programs in Miami-Dade County. Thereafter, 15 percent of the proceeds from the annual use fee shall be provided to the Dade Amateur Golf Association for the operation of youth golf programs in Miami-Dade County.*

3. *The remaining proceeds from the annual use fee shall be available for grants to nonprofit organizations to operate youth golf programs and for the purpose of marketing the Florida Golf License Plates. All grant recipients, including the Dade Amateur Golf Association, shall be required to provide to the Florida Sports Foundation an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.*

(c) *The Florida Sports Foundation shall establish a Florida Youth Golf Program. The Florida Youth Golf Program shall assist organizations for the benefit of youth, introduce young people to golf, instruct young people in golf, teach the values of golf, and stress life skills, fair play, courtesy, and self-discipline.*

(d) *The Florida Sports Foundation shall establish a five-member committee to offer advice regarding the distribution of the annual use fees for grants to nonprofit organizations. The advisory committee shall consist of one member from a group serving youth, one member from a group serving disabled youth, and three members at large.*

Section 155. Section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits and attestation required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

~~(b) All organizational recipients of any specialty license plate annual use fee authorized in this chapter, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with ss. 320.08056 and 320.08058.~~

~~(b)(e) Any organization not subject to In-lieu-of-an-annual audit pursuant to s. 215.97 shall, any organization receiving less than \$25,000 in annual use fee proceeds directly from the department, or from another state agency, may annually attest report, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.~~

~~(c)(d) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report shall be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.~~

(2) Within 90 days after receiving an organization's audit or attestation report, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with subsection (1). If the department determines that an organization

has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

(3) ~~The Auditor General and the~~ department ~~has~~ have the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.

Section 156. Subsection (1) of section 320.083, Florida Statutes, is amended to read:

320.083 Amateur radio operators; special license plates; fees.—

(1) A person who is the owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 5,000 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use; who is a resident of the state; and who holds a valid official amateur radio station license issued by the Federal Communications Commission shall be issued a special license plate upon application, accompanied by proof of ownership of such radio station license, and payment of the following tax and fees:

(a) The license tax required for the vehicle, as prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b), (c), (d), (e), or (f), or (9); and

(b) An initial additional fee of \$5, and an additional fee of \$1.50 thereafter.

Section 157. Subsections (1), (2), and (3) of section 320.089, Florida Statutes, are amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; special license plates; fee.—

(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, or an active member of any branch of the United States Armed Forces Reserve shall, upon application to the department, accompanied by proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, or proof of active membership in any branch of the Armed Forces Reserve, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve," as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

(b) Notwithstanding any other provision of law to the contrary beginning with fiscal year 2000-2001 and annually thereafter, the first \$50,000 in general revenue generated from the sale of license plates issued under this section which are stamped with the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve" shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund.

(c) *Notwithstanding any provisions of law to the contrary, an applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a disabled veteran's license plate under s. 320.084 shall be issued one appropriate special license plate without payment of the license tax imposed by s. 320.08.*

(2) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 5,000 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and who is a former prisoner of war, or their unremarried surviving spouse, shall, upon application therefor to the department, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Ex-POW" followed by the serial number. Each application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

(b) A person who was serving as a civilian with the consent of the United States Government, or a person who was a member of the Armed Forces of the United States who was not a United States citizen and was held as a prisoner of war when the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection upon payment of the license tax imposed by s. 320.08.

(3) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 5,000 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of this state and who is the unremarried surviving spouse of a recipient of the Purple Heart medal shall, upon application therefor to the department, with the payment of the required fees, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Purple Heart" and the likeness of the Purple Heart medal followed by the serial number. Each application shall be accompanied by proof that the applicant is the unremarried surviving spouse of a recipient of the Purple Heart medal.

Section 158. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any license plate or fuel-use tax decal if the owner pays for the license plate, fuel-use tax decal, or any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation Motor Carrier Compliance Office.. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 159. Paragraph (c) of subsection (1) of section 320.27, Florida Statutes, is amended, paragraph (f) is added to said subsection, and subsections (7) and (9) of said section are amended, to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and

repair motor vehicles pursuant to an agreement as defined in s. 320.60(1). Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may, at retail or wholesale, sell a recreational vehicle as described in s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of a motor vehicle, provided such acquisition is incidental to the principal business of being a motor vehicle dealer. However, a motor vehicle dealer may not buy a recreational vehicle for the purpose of resale unless licensed as a recreational vehicle dealer pursuant to s. 320.771. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), (c), and (d), using a manufacturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles or recreational vehicles for sale to the highest bidder where both sellers and buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail,

wholesale, or auction, unless otherwise restricted. A manufacturer of fire trucks, ambulances, or school buses may sell such vehicles directly to governmental agencies or to persons who contract to perform or provide firefighting, ambulance, or school transportation services exclusively to governmental agencies without processing such sales through dealers if such fire trucks, ambulances, school buses, or similar vehicles are not presently available through motor vehicle dealers licensed by the department.

(f) "Bona fide employee" means a person who is employed by a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form W-2, or an independent contractor who has a written contract with a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form 1099, for the purpose of acting in the capacity of or conducting motor vehicle sales transactions as a motor vehicle dealer.

(7) CERTIFICATE OF TITLE REQUIRED.—For each used motor vehicle in the possession of a licensee and offered for sale by him or her, the licensee either shall have in his or her possession or control a duly assigned certificate of title from the owner in accordance with the provisions of chapter 319, from the time when the motor vehicle is delivered to the licensee and offered for sale by him or her until it has been disposed of by the licensee, or shall have reasonable indicia of ownership or right of possession, or shall have made proper application for a certificate of title or duplicate certificate of title in accordance with the provisions of chapter 319. A motor vehicle dealer may not sell or offer for sale a vehicle in his or her possession unless the dealer satisfies the requirements of this subsection. Reasonable indicia of ownership shall include a duly assigned certificate of title; in the case of a new motor vehicle, a manufacturer's certificate of origin issued to or reassigned to the dealer; a consignment contract between the owner and the dealer along with a secure power of attorney from the owner to the dealer authorizing the dealer to apply for a duplicate certificate of title and assign the title on behalf of the owner; a court order awarding title to the vehicle to the dealer; a salvage certificate of title; a photocopy of a duly assigned certificate of title being held by a financial institution as collateral for a business loan of money to the dealer ("floor plan"); a copy of a canceled check or other documentation evidencing that an outstanding lien on a vehicle taken in trade by a licensed dealer has been satisfied and that the certificate of title will be, but has not yet been, received by the dealer; a vehicle purchase order or installment contract for a specific vehicle identifying that vehicle as a trade-in on a replacement vehicle; or a duly executed odometer disclosure statement as required by Title IV of the Motor Vehicle Information and Cost Savings Act of 1972 (Pub. L. No. 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No. 100-561) and by 49 C.F.R. part 580 bearing the signatures of the titled owners of a traded-in vehicle.

(9) DENIAL, SUSPENSION, OR REVOCATION.—The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771, upon proof that a licensee has failed to comply with any of the following provisions with sufficient frequency so as to establish a pattern of wrongdoing on the part of the licensee:

(a) Willful violation of any other law of this state, including chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile homes or willful failure to comply with any administrative rule promulgated by the department. Additionally, in the case of used motor vehicles, the willful violation of the federal law and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.

(b) Commission of fraud or willful misrepresentation in application for or in obtaining a license.

(c) Perpetration of a fraud upon any person as a result of dealing in motor vehicles, including, without limitation, the misrepresentation to any person by the licensee of the licensee's relationship to any manufacturer, importer, or distributor.

(d) Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a

demonstrator. For the purposes of this section, a “demonstrator,” a “new motor vehicle,” and a “used motor vehicle” shall be defined as under s. 320.60.

(e) Unjustifiable refusal to comply with a licensee’s responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

(f) Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

(g) Requirement by any motor vehicle dealer that a customer or purchaser accept equipment on his or her motor vehicle which was not ordered by the customer or purchaser.

(h) Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

(i) Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract or agreement of purchase connected with the purchase of the motor vehicle purchased by the customer or purchaser.

(j) Failure of any motor vehicle dealer to comply with the terms of any bona fide written, executed agreement, pursuant to the sale of a motor vehicle.

(k) Requirement by the motor vehicle dealer that the purchaser of a motor vehicle contract with the dealer for physical damage insurance.

(l) Violation of any of the provisions of s. 319.35 by any motor vehicle dealer.

(m) Either a history of bad credit or an unfavorable credit rating as revealed by the applicant’s official credit report or by investigation by the department.

(n) Failure to disclose damage to a new motor vehicle as defined in s. 320.60(10) of which the dealer had actual knowledge if the dealer’s actual cost of repair, excluding tires, bumpers, and glass, exceeds 3 percent of the manufacturer’s suggested retail price; provided, however, if only the application of exterior paint is involved, disclosure shall be made if such touch-up paint application exceeds \$100.

(o) Failure to apply for transfer of a title as prescribed in s. 319.23(6).

(p) Use of the dealer license identification number by any person other than the licensed dealer or his or her designee.

(q) Conviction of a felony.

(r) Failure to continually meet the requirements of the licensure law.

(s) ~~A person who has been convicted of a crime, infraction, or violation as set forth in paragraph (g) which results in his or her being prohibited from continuing in that capacity, the dealer may not serve continue in any capacity within the industry. Such person The offender shall have no financial interest, management, sales, or other role in the operation of a dealership. Further, the person offender may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business. The license or application of any dealership in which such person has an interest or plays a role in violation of this subsection shall be denied or revoked, as the case may be.~~

(t) Representation to a customer or any advertisement to the general public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other member of the general public by the seller using a manufacturer’s statement of origin as permitted in s. 319.23(1).

(u) Failure to honor a bank draft or check given to a motor vehicle dealer for the purchase of a motor vehicle by another motor vehicle dealer within 10 days after notification that the bank draft or check has been dishonored. A single violation of this paragraph is sufficient for revocation or suspension. If the transaction is disputed, the maker of the bank draft or check shall post a bond in accordance with the provisions of s. 559.917, and no proceeding for revocation or suspension shall be commenced until the dispute is resolved.

(v) Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.

Section 160. Section 320.691, Florida Statutes, is created to read:

320.691 Automobile Dealers Industry Advisory Board.—

(1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.—The Automobile Dealers Industry Advisory Board is created within the Department of Highway Safety and Motor Vehicles. The board shall make recommendations on proposed legislation, make recommendations on proposed rules and procedures, present licensed motor vehicle dealer industry issues to the department for its consideration, consider any matters relating to the motor vehicle industry presented to it by the department, and submit an annual report to the Executive Director of the department and file copies with the Governor, President of the Senate, and the Speaker of the House of Representatives.

(2) MEMBERSHIP, TERMS, MEETINGS.—

(a) The board shall be composed of 12 members. The Executive Director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The Executive Director shall appoint one representative of the Department of Highway Safety and Motor Vehicles, who must represent the Division of Motor Vehicles; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended by the Florida Automobile Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida Tax Collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.

(b)1. The Executive Director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida Tax Collector, and one representative from the Better Business Bureau.

2. The Executive Director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the Division of Motor Vehicles.

3. As the initial terms expire, the Executive Director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.

4. The board shall appoint a chair and vice chair at its initial meeting and every 2 years thereafter.

(c) The board shall meet at least two times per year. Meetings may be called by the chair of the board or by the Executive Director of the department. One meeting shall be held in the fall of the year to review legislative proposals. The board shall conduct all meetings in accordance with applicable Florida Statutes and shall keep minutes of all meetings. Meetings may be held in locations around the state in department facilities or in other appropriate locations.

(3) *PER DIEM, TRAVEL, AND STAFFING.*—Members of the board from the private sector are not entitled to per diem or reimbursement for travel expenses. However, members of the board from the public sector are entitled to reimbursement, if any, from their respective agency. Members of the board may request assistance from the Department of Highway Safety and Motor Vehicles as necessary.

Section 161. Subsection (26) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(26) “Motor vehicle” means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, motorized scooters, and motorized bicycles as defined in s. 316.003.

Section 162. Subsections (4) and (5) are added to section 322.0261, Florida Statutes, to read:

322.0261 Mandatory driver improvement course; certain crashes.—

(4) The Department of Highway Safety and Motor Vehicles shall approve and regulate courses that use technology as the delivery method of all driver improvement schools as the courses relate to this section.

(5) In determining whether to approve courses of driver improvement schools that use technology as the delivery method as the courses relate to this section, the department shall consider only those courses submitted by a person, business, or entity which receive:

- (a) Approval for statewide delivery.
- (b) Independent scientific research evidence of course effectiveness.

Section 163. Section 322.161, Florida Statutes, is amended to read:

322.161 High-risk drivers; restricted licenses.—

(1)(a) Notwithstanding any provision of law to the contrary, the department shall restrict the driving privilege of any Class D or Class E licensee who is age 15 through 17 and who has accumulated six ~~four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period.

(b) Upon determination that any person has accumulated six ~~four~~ or more points, the department shall notify the licensee and issue the licensee a restricted license for business purposes only. The licensee must appear before the department within 10 days after notification to have this restriction applied. The period of restriction shall be for a period of no less than 1 year beginning on the date it is applied by the department.

(c) The restriction shall be automatically withdrawn by the department after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of restriction shall be extended 90 days for each point. The restriction shall also be automatically withdrawn upon the licensee’s 18th birthday if no other grounds for restriction exist. The licensee must appear before the department to have the restriction removed and a duplicate license issued.

(2)(a) Any Class E licensee who is age 15 through 17 and who has accumulated six ~~four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period shall not be eligible to

obtain a Class D license for a period of no less than 1 year. The period of ineligibility shall begin on the date of conviction for the violation that results in the licensee’s accumulation of six ~~four~~ or more points.

(b) The period of ineligibility shall automatically expire after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of ineligibility shall be extended 90 days for each point. The period of ineligibility shall also automatically expire upon the licensee’s 18th birthday if no other grounds for ineligibility exist.

(3) Any action taken by the department pursuant to this section shall not be subject to any formal or informal administrative hearing or similar administrative procedure.

(4) The department shall adopt rules to carry out the purposes of this section.

Section 164. Subsection (4) of section 322.05, Florida Statutes, is amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(4) Except as provided by this subsection, to any person, as a Class A licensee, Class B licensee, Class C licensee, or Class D licensee, who is under the age of 18 years. A person age 16 or 17 years who applies for a Class D driver’s license is subject to all the requirements and provisions of ss. 322.05(2)(a) and (b), 322.09, and 322.16(2) and (3). ~~Any person who applies for a Class D driver’s license who is age 16 or 17 years must have had a learner’s driver’s license or a driver’s license for at least 90 days before he or she is eligible to receive a Class D driver’s license.~~ The department may require of any such applicant for a Class D driver’s license such examination of the qualifications of the applicant as the department considers proper, and the department may limit the use of any license granted as it considers proper.

Section 165. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 322.081, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

322.081 Requests to establish voluntary ~~check-off~~ ~~checkoff~~ on driver’s license application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient’s request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contribution, if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, ~~or to pay the cost of the audit or report required by law.~~

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient’s expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

(b)(e) *Any organization not subject to In lieu of an annual audit pursuant to s. 215.97 shall, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually attest report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.*

(c)(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(d)(e) *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation audit or report must be submitted to the department for review within 9 months 180 days after the end of the organization's fiscal year.*

(6) Within 90 days after receiving an organization's audit or attestation report, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The Auditor General and the department has have the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) *All organizations seeking to establish a voluntary contribution on a driver's license application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.*

Section 166. Present subsections (2) through (7) of section 322.095, Florida Statutes, are renumbered as subsections (4) through (9), respectively, and new subsections (2) and (3) are added to said section, to read:

322.095 Traffic law and substance abuse education program for driver's license applicants.—

(2) *The Department of Highway Safety and Motor Vehicles shall approve and regulate courses that use technology as the delivery method of all driver improvement schools as the courses relate to this section.*

(3) *In determining whether to approve courses of driver improvement schools that use technology as the delivery method as the courses relate to this section, for courses submitted on or after July 1, 2001, the department shall consider only those courses submitted by a person, business, or entity which receive:*

(a) *Approval for statewide delivery.*

(b) *Independent scientific research evidence of course effectiveness.*

Section 167. Section 322.222, Florida Statutes, is created to read:

322.222 *Right to review.—A driver may request an administrative hearing to review a revocation pursuant to s. 322.221(3). The hearing shall be held in accordance with the department's administrative rules that the department shall have promulgated pursuant to chapter 120.*

Section 168. Subsection (7) of section 322.25, Florida Statutes, is amended to read:

322.25 When court to forward license to department and report convictions; temporary reinstatement of driving privileges.—

(7) Any licensed driver convicted of driving, or being in the actual physical control of, a vehicle within this state while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his or her normal faculties are impaired, and whose license and

driving privilege have been revoked as provided in subsection (1) may be issued a court order for reinstatement of a driving privilege on a temporary basis; provided that, as a part of the penalty, upon conviction, the defendant is required to enroll in and complete a driver improvement course for the rehabilitation of drinking drivers and the driver is otherwise eligible for reinstatement of the driving privilege as provided by s. 322.282. The court order for reinstatement shall be on a form provided by the department and must be taken by the person convicted to a Florida driver's license examining office, where a temporary driving permit may be issued. The period of time for which a temporary permit issued in accordance with this subsection is valid shall be deemed to be part of the period of revocation imposed by the court.

Section 169. Subsections (1), (3), and (10) of section 322.2615, Florida Statutes, are amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by s. 316.1932. The officer shall take the person's driver's license and issue the person a 10-day 30-day temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level as provided in that section and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended for a violation of s. 316.193.

2. The suspension period shall commence on the date of arrest or issuance of the notice of suspension, whichever is later.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of arrest or issuance of the notice of suspension, whichever is later.

4. The temporary permit issued at the time of arrest will expire at midnight of the 10th 30th day following the date of arrest or issuance of the notice of suspension, whichever is later.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the license of the person arrested should be suspended pursuant to this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of suspension and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires 10 30 days after the date of issuance if the driver is otherwise eligible.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or

employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a ~~10-day~~ ~~30-day~~ permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the driver's license of the person arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level, is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a ~~10-day~~ ~~30-day~~ permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for a violation of s. 316.193, relating to unlawful blood-alcohol level, is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the arrest.

Section 170. Subsection (5) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(5) The department shall revoke the license of any person designated a habitual offender, as set forth in s. 322.264, and such person shall not be eligible to be relicensed for a ~~minimum of 5 years~~ from the date of revocation, except as provided for in s. 322.271. Any person whose license is revoked may, by petition to the department, show cause why his or her license should not be revoked.

Section 171. Subsection (2) of section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(2) In a prosecution for a violation of s. 316.193 or former s. 316.1931, the following provisions apply:

(a) Upon conviction of the driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted, effective on the date of conviction, and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon a first conviction for a violation of the provisions of s. 316.193, except a violation resulting in death, the driver's license or driving privilege shall be revoked for not less than 180 days or more than 1 year.

2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 5 years.

3. Upon a third conviction within a period of 10 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 10 years.

For the purposes of this paragraph, a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other alcohol-related or drug-related traffic offense similar to the offense of driving under the influence as proscribed by s. 316.193 will be considered a previous conviction for violation of s. 316.193, and a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is considered a conviction for violation of s. 316.193.

(b) If the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter, and is not otherwise specified by law, the department shall forthwith revoke the driver's license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for any subsequent convictions. The driver may, within 30 days after such revocation by the department, petition the court for further hearing on the period of revocation, and the court may reopen the case and determine the period of revocation within the limits specified in paragraph (a).

(c) The forfeiture of bail bond, not vacated within 20 days, in any prosecution for the offense of driving while under the influence of alcoholic beverages, chemical substances, or controlled substances to the extent of depriving the defendant of his or her normal faculties shall be deemed equivalent to a conviction for the purposes of this paragraph, and the department shall forthwith revoke the defendant's driver's license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for a second or subsequent conviction; however, if the defendant is later convicted of the charge, the period of revocation imposed by the department for such conviction shall not exceed the difference between the applicable maximum for a first conviction or minimum for a second or subsequent conviction and the revocation period under this subsection that has actually elapsed; upon conviction of such charge, the court may impose revocation for a period of time as specified in paragraph (a). This paragraph does not apply if an appropriate motion contesting the forfeiture is filed within the 20-day period.

~~(d) When any driver's license or driving privilege has been revoked pursuant to the provisions of this section, the department shall not grant a new license, except upon reexamination of the licensee after the expiration of the period of revocation so prescribed. However, the court may, in its sound discretion, issue an order of reinstatement on a form furnished by the department which the person may take to any driver's license examining office for reinstatement by the department pursuant to s. 322.282.~~

~~(d)~~(e) The court shall permanently revoke the driver's license or driving privilege of a person who has been convicted four times for violation of s. 316.193 or former s. 316.1931 or a combination of such sections. The court shall permanently revoke the driver's license or driving privilege of any person who has been convicted of DUI manslaughter in violation of s. 316.193. If the court has not permanently revoked such driver's license or driving privilege within 30 days after imposing sentence, the department shall permanently revoke the driver's license or driving privilege pursuant to this paragraph. No driver's license or driving privilege may be issued or granted to any such person. This paragraph applies only if at least one of the convictions for violation of s. 316.193 or former s. 316.1931 was for a violation that occurred after July 1, 1982. For the purposes of this paragraph, a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is also considered a conviction for violation of s. 316.193. Also, a conviction of driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, or any other similar alcohol-related or drug-related traffic offense outside this state is considered a conviction for the purposes of this paragraph.

Section 172. *Section 322.282, Florida Statutes, is repealed.*

Section 173. Subsection (3) is added to section 322.292, Florida Statutes, to read:

322.292 DUI programs supervision; powers and duties of the department.—

(3) *DUI programs shall be either governmental programs or not-for-profit corporations.*

Section 174. *Section 322.331, Florida Statutes, is repealed.*

Section 175. Subsections (8), (9), and (10) are added to section 322.61, Florida Statutes, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(8) A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:

(a) Not less than 90 days nor more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.

(b) Not less than 1 year nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) Not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) Not less than 180 days nor more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(9) A driver who is convicted of or otherwise found to have committed an offense of operating a CMV in violation of federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in subsection (10):

(a) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching trains.

(b) For drivers who are not always required to stop, failing to stop before reaching the crossing if the tracks are not clear.

(c) For drivers who are always required to stop, failing to stop before driving onto the crossing.

(d) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.

(e) For all drivers, failing to obey a traffic control device or all directions of an enforcement official at the crossing.

(f) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(10)(a) A driver must be disqualified for not less than 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.

(b) A driver must be disqualified for not less than 120 days if, during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.

(c) A driver must be disqualified for not less than 1 year if, during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.

Section 176. Subsections (1) and (3) of section 322.64, Florida Statutes, are amended to read:

322.64 Holder of commercial driver's license; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a ~~10-day~~ ~~30-day~~ temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

(b) The disqualification under paragraph (a) shall be pursuant to, and the notice of disqualification shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and he or she is disqualified from operating a commercial motor vehicle for a period of 1 year, for a first refusal, or permanently, if he or she has previously been disqualified as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level and he or she is disqualified from operating a commercial motor vehicle for a period of 6 months for a first offense or for a period of 1 year if he or she has previously been disqualified, or his or her driving privilege has been previously suspended, for a violation of s. 316.193.

2. The disqualification period shall commence on the date of arrest or issuance of notice of disqualification, whichever is later.

3. The driver may request a formal or informal review of the disqualification by the department within 10 days after the date of arrest or issuance of notice of disqualification, whichever is later.

4. The temporary permit issued at the time of arrest or disqualification will expire at midnight of the ~~10th~~ ~~30th~~ day following the date of disqualification.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of disqualification and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires ~~10~~ ~~30~~ days after the date of issuance if the driver is otherwise eligible.

Section 177. Section 324.091, Florida Statutes, is amended to read:

324.091 Notice to department; notice to insurer.—

(1) Each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of automobile liability insurance, motor vehicle liability insurance, or surety bond within 30 days from the date of the mailing of notice of crash by the department in such form and manner as it may designate. Upon receipt of evidence that an automobile liability policy, motor vehicle liability policy, or surety bond was in effect at the time of the crash or conviction case, the department shall forward by United States mail, postage prepaid, to the insurer or surety insurer a copy of such information and shall assume that such policy or bond was in effect unless the insurer

or surety insurer shall notify the department otherwise within 20 days from the mailing of the notice to the insurer or surety insurer; provided that if the department shall later ascertain that an automobile liability policy, motor vehicle liability policy, or surety bond was not in effect and did not provide coverage for both the owner and the operator, it shall at such time take such action as it is otherwise authorized to do under this chapter. Proof of mailing to the insurer or surety insurer may be made by the department by naming the insurer or surety insurer to whom such mailing was made and specifying the time, place and manner of mailing.

(2) Each insurer doing business in this state shall immediately give notice to the department of each motor vehicle liability policy when issued to effect the return of a license which has been suspended under s. 324.051(2); and said notice shall be upon such form and in such manner as the department may designate.

(3) *Electronic access to the vehicle insurer information maintained in the department's vehicle database may be provided by an approved third-party provider to insurers, lawyers, and financial institutions in compliance with s. 627.736(9)(a) and for subrogation and claims purposes only. The compilation and retention of this information is strictly prohibited.*

Section 178. Paragraph (b) of subsection (3) of section 328.01, Florida Statutes, is amended to read:

328.01 Application for certificate of title.—

(3)

(b) If the application for transfer of title is based upon a contractual default, the recorded lienholder shall establish proof of right to ownership by submitting with the application the original certificate of title and a copy of the applicable contract upon which the claim of ownership is made. If the claim is based upon a court order or judgment, a copy of such document shall accompany the application for transfer of title. If, on the basis of departmental records, there appears to be any other lien on the vessel, the certificate of title must contain a statement of such a lien, unless the application for a certificate of title is either accompanied by proper evidence of the satisfaction or extinction of the lien or contains a statement certifying that any lienholder named on the last-issued certificate of title has been sent notice by certified mail, at least 5 days before the application was filed, of the applicant's intention to seek a repossessed title. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days after the date on which the notice was mailed, the certificate of title shall be issued showing no liens. If the former owner or any subsequent lienholder files a written protest under oath within the 15-day period, the department shall not issue the repossessed certificate for 10 days thereafter. If, within the 10-day period, no injunction or other order of a court of competent jurisdiction has been served on the department commanding it not to deliver the certificate, the department shall deliver the repossessed certificate to the applicant, or as is otherwise directed in the application, showing no other liens than those shown in the application.

The department shall adopt suitable language that must appear upon the certificate of title to effectuate the manner in which the interest in or title to the vessel is held.

Section 179. Subsection (2) of section 328.42, Florida Statutes, is amended to read:

328.42 Suspension or denial of a vessel registration due to child support delinquency; dishonored checks.—

(2) The department may deny or cancel any vessel registration, license plate, or fuel-use tax decal if the owner pays for the registration, license plate, fuel-use tax decal, or any tax liability, penalty, or interest specified in chapter 207 by a dishonored check if the owner pays for the registration by a dishonored check.

Section 180. Section 328.56, Florida Statutes, is amended to read:

328.56 Vessel registration number.—Each vessel that is used on the waters of the state must display a ~~commercial or recreational~~ 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 181. Subsection (4) 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.—

(4) TRANSFER OF OWNERSHIP.—

(a) When the ownership of a registered vessel changes, an application for transfer of registration shall be filed with the county tax collector by the new owner within 30 days with a fee of \$3.25. The county tax collector shall retain \$2.25 of the fee and shall remit \$1 to the department. A refund may not be made for any unused portion of a registration period.

~~(b) If a vessel is an antique as defined in subsection (2), the application shall be accompanied by either a certificate of title, a bill of sale and a registration, or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vessel description to include the hull identification number and engine number, if appropriate; the year, make, and color of the vessel; the selling price; and the signatures of the seller and purchaser.~~

Section 182. 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 \$1.4 million for any administrative costs which shall be deposited in the Highway Safety Operating Trust Fund, in each fiscal year beginning on or after July 1, 2001, 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).
- (b) 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.

(c) 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.

(d) 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 Services. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 183. Subsections (4) and (6) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and documented vessels.—

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, *the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736*, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) *Whenever any law enforcement agency authorizes the removal of a vehicle or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle, and whether any person has filed a lien upon the vehicle as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.*

(c)(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, *the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736*, and to all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold after 35 days free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age and after 50 days if the vehicle or vessel is 3 years of age or less.

(d)(c) If attempts to locate the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph and subsection (9), and ~~s. 715.05~~, "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age and after 50 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

Section 184. *Section 715.05, Florida Statutes, is repealed.*

Section 185. Subsection (1) of section 681.1096, Florida Statutes, is amended to read:

681.1096 Pilot RV Mediation and Arbitration Program; creation and qualifications.—

(1) This section and s. 681.1097 shall apply to disputes determined eligible under this chapter involving recreational vehicles acquired on or after October 1, 1997, and shall remain in effect until September 30, 2002 2001, at which time recreational vehicle disputes shall be subject

to the provisions of ss. 681.109 and 681.1095. The Attorney General shall report ~~annually~~ to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, and appropriate legislative committees regarding the *effectiveness efficiency and cost-effectiveness* of the pilot program.

Section 186. Subsections (5) and (7) of section 681.1097, Florida Statutes, are amended to read:

681.1097 Pilot RV Mediation and Arbitration Program; dispute eligibility and program function.—

(5) If the mediation ends in an impasse, or if a manufacturer fails to comply with the settlement entered into between the parties, the program administrator shall schedule the dispute for an arbitration hearing. Arbitration proceedings shall be open to the public on reasonable and nondiscriminatory terms.

(a) The arbitration hearing shall be conducted by a single arbitrator assigned by the program administrator. The arbitrator shall not be the same person as the mediator who conducted the prior mediation conference in the dispute. The parties may factually object to an arbitrator based on the arbitrator's past or present relationship with a party or a party's attorney, direct or indirect, whether financial, professional, social, or of any other kind. The program administrator shall consider any such objection, determine its validity, and notify the parties of any determination. If the objection is determined valid, the program administrator shall assign another arbitrator to the case.

(b) The arbitrator may issue subpoenas for the attendance of witnesses and for the production of records, documents, and other evidence. Subpoenas so issued shall be served and, upon application to the court by a party to the arbitration, enforced in the manner provided by law for the service and enforcement of subpoenas in civil actions. Fees for attendance as a witness shall be the same as for a witness in the circuit court.

(c) At all program arbitration proceedings, the parties may present oral and written testimony, present witnesses and evidence relevant to the dispute, cross-examine witnesses, and be represented by counsel. The arbitrator shall record the arbitration hearing and shall have the power to administer oaths. The arbitrator may inspect the vehicle if requested by a party or if the arbitrator considers such inspection appropriate.

(d) The program arbitrator may continue a hearing on his or her own motion or upon the request of a party for good cause shown. A request for continuance by the consumer constitutes a waiver of the time period set forth in s. 681.1096(3)(k) for completion of all proceedings under the program.

(e) Where the arbitration is the result of a manufacturer's failure to perform in accordance with a *settlement mediation* agreement, any relief to the consumer granted by the arbitration will be no less than the relief agreed to by the manufacturer in the settlement agreement.

(f) The arbitrator shall grant relief if a reasonable number of attempts have been undertaken to correct a nonconformity or nonconformities.

(g) The program arbitrator shall render a decision within 10 days of the closing of the hearing. The decision shall be in writing on a form prescribed or approved by the department. The program administrator shall send a copy of the decision to the consumer and each involved manufacturer by registered mail. The program administrator shall also send a copy of the decision to the department within 5 days of mailing to the parties.

(h) A manufacturer shall comply with an arbitration decision within 40 days of the date the manufacturer receives the written decision. Compliance occurs on the date the consumer receives delivery of an acceptable replacement motor vehicle or the refund specified in the arbitration award. If a manufacturer fails to comply within the time required, the consumer must notify the program administrator in writing within 10 days. The program administrator shall notify the

department of a manufacturer's failure to comply. The department shall have the authority to enforce compliance with arbitration decisions under this section in the same manner as is provided for enforcement of compliance with board decisions under s. 681.1095(10). In any civil action arising under this chapter and relating to a dispute arbitrated pursuant to this section, the decision of the arbitrator is admissible in evidence.

(i) *Either party may request that the program arbitrator make a technical correction to the decision by filing a written request with the program administrator within 10 days after receipt of the written decision. Technical corrections shall be limited to computational errors, correction of a party's name or information regarding the recreational vehicle, and typographical or spelling errors. Technical correction of a decision shall not toll the time for filing an appeal or for manufacturer compliance.*

(7) *A decision of the arbitrator is binding unless appealed by either party by filing a petition with the circuit court within the time and in the manner prescribed by s. 681.1095(10) and (12). Section 681.1095(13) and (14) apply to appeals filed under this section. Either party may make application to the circuit court for the county in which one of the parties resides or has a place of business or, if neither party resides or has a place of business in this state, the county where the arbitration hearing was held, for an order confirming, vacating, modifying, or correcting any award, in accordance with the provisions of this section and ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such application must be filed within 30 days of the moving party's receipt of the written decision or the decision becomes final. Upon filing such application, the moving party shall mail a copy to the department and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the department. A review of such application by the circuit court shall be confined to the record of the proceedings before the program arbitrator. The court shall conduct a de novo review of the questions of law raised in the application. In addition to the grounds set forth in ss. 682.13 and 682.14, the court shall consider questions of fact raised in the application. In reviewing questions of fact, the court shall uphold the award unless it determines that the factual findings of the arbitrator are not supported by substantial evidence in the record and that the substantial rights of the moving party have been prejudiced. If the arbitrator fails to state findings or reasons for the stated award, or the findings or reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the award. The court shall expedite consideration of any application filed under this section on the calendar.*

(a) If a decision of a program arbitrator in favor of a consumer is confirmed by the court, recovery by the consumer shall include the pecuniary value of the award, attorney's fees incurred in obtaining confirmation of the award, and all costs and continuing damages in the amount of \$25 per day for each day beyond the 40-day period following a manufacturer's receipt of the arbitrator's decision. If a court determines the manufacturer acted in bad faith in bringing the appeal or brought the appeal solely for the purpose of harassment, or in complete absence of a justiciable issue of law or fact, the court shall double, and may triple, the amount of the total award.

(b) ~~An appeal of a judgment or order by the court confirming, denying confirmation, modifying or correcting, or vacating the award may be taken in the manner and to the same extent as from orders or judgments in a civil action.~~

Section 187. Section 681.115, Florida Statutes, is amended to read:

681.115 Certain agreements void.—Any agreement entered into by a consumer that waives, limits, or disclaims the rights set forth in this chapter, *or that requires a consumer not to disclose the terms of such agreement as a condition thereof*, is void as contrary to public policy. The rights set forth in this chapter shall extend to a subsequent transferee of such motor vehicle.

Section 188. Section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles and vessels parked on private property; towing.—

(1) As used in this section, the *terms*:

(a) ~~term~~ "Vehicle" means any mobile item which normally uses wheels, whether motorized or not.

(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 vessel, as defined in s. 327.02(8).

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to strict compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored at a site within 10 miles of the point of removal in any county of 500,000 population or more, and within 15 miles of the point of removal in any county of less than 500,000 population. That site must be open for the purpose of redemption of vehicles or vessels on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in sub-subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within 20 miles of the point of removal in any county of 500,000 population or more, and within 30 miles of the point of removal in any county of less than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes of completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or the make, model, color, and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. If the registered owner or other legally authorized person in control of the vehicle or vessel arrives at the scene prior to removal or towing of the vehicle or vessel, the vehicle or vessel shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle or vessel without interference upon the payment of a reasonable service fee of not more than one-half of the posted rate for such towing service as provided in subparagraph 6., for which a receipt shall be given, unless that person refuses to remove the vehicle or vessel which is otherwise unlawfully parked or located.

4. The rebate or payment of money or any other valuable consideration from the individual or firm towing or removing vehicles or vessels to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles or vessels, is prohibited.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized

by the property owner or lessee, prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. Owners or lessees that remove vessels from their properties shall post notice, consistent with the requirements of this subparagraph, that unauthorized vehicles or vessels will be towed at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels, if the property owner, lessee, or person in control of the property has a written contract with the towing company.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs prior to any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control of a vehicle or vessel to pay the costs of towing and storage prior to redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1)(b), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting colors on the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or custodian within one

hour after requested. Any vehicle *or vessel* owner, custodian, or agent shall have the right to inspect the vehicle *or vessel* before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle *or vessel* from liability for damages noted by the owner or other legally authorized person at the time of the redemption may be required from any vehicle *or vessel* owner, custodian, or agent as a condition of release of the vehicle *or vessel* to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle *or vessel* must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(b) These requirements shall be the minimum standards and shall not preclude enactment of additional regulations by any municipality or county including the right to regulate rates when vehicles *or vessels* are towed from private property.

(3) This section does not apply to law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles *or vessels* which are marked as such or to property owned by any governmental entity.

(4) When a person improperly causes a vehicle *or vessel* to be removed, such person shall be liable to the owner or lessee of the vehicle *or vessel* for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle; attorneys' fees; and court costs.

(5) *Failure to make good faith best efforts to comply with the notice requirement of this section, as appropriate, shall preclude the imposition of any towing or storage charges against such vehicle or vessel.*

(6)(5)(a) Any person who violates the provisions of subparagraph (2)(a)2. or subparagraph (2)(a)6. ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who violates the provisions of subparagraph (2)(a)7. ~~commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 189. Subsection (3) is added to section 832.09, Florida Statutes, to read:

832.09 Suspension of driver license after warrant or *capias* is issued in worthless check case.—

(3) *The Department of Highway Safety and Motor Vehicles shall create a standardized form to be distributed to the clerks of the court in each county for the purpose of notifying the department that a person has satisfied the requirements of the court. Notices of compliance with the court's requirements shall be on the standardized form provided by the department.*

Section 190. Subsection (1) of section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver's license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition.—

(1) Notwithstanding the provisions of s. 322.055, if a person under 18 years of age is found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, and:

(a) The person is eligible by reason of age for a driver's license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year for the first violation.
2. Two years, for a subsequent violation.

(b) The person's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.

2. Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.

However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, if the person is otherwise qualified for such a license.

And the title is amended as follows:

On page 209, line 8, after the second semicolon,

insert: amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; providing that a motorized scooter is not a motor vehicle for traffic control purposes; creating a definition of the term motorized scooter; amending s. 316.006, F.S.; authorizing the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; amending s. 316.1951, F.S.; amending 316.1967, F.S.; allowing a fine designated by county ordinance; revising provisions related to parking vehicles to display for sale; amending s. 316.1975, F.S.; exempting operators of solid waste and recovered materials vehicles from provisions regarding unattended motor vehicles; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag on the load; amending s. 316.2397, F.S.; authorizing the emergency response vehicles of the Department of Health to use red flashing lights; amending s. 316.520, F.S.; clarifying that a violation of a provision governing loads on vehicles is a moving rather than a nonmoving violation; exempting certain vehicles carrying agricultural products; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; authorizing university police officers to enforce state traffic laws violated on or adjacent to property under control of the university or its agents; amending s. 316.650, F.S.; requiring the issuance of a copy of the traffic school reference guide with traffic citations under certain circumstances; 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 traffic school reference guide requirements; amending s. 318.18, F.S.; allowing fine amount designated by county ordinance plus court costs; amending the date by which court clerks must electronically transmit to the department specified information; 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; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; amending s. 322.161, F.S.; increasing the number of points that a driver under a specified age may accumulate before the department is required to issue that driver a restricted license; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; amending s. 319.001, F.S.; providing definitions; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to place a decal on a rebuilt vehicle so as to clarify its identity; providing a penalty for the removal of the decal; amending s. 319.23, F.S.; conforming the requirements for the transfer of ownership on an antique vehicle to that of any other motor vehicle; revising provisions relating to motor vehicle titles; amending s. 319.28, F.S.; deleting the requirement that a copy of

a contract for processing an application for title based on a contractual default be provided; amending s. 319.30, F.S.; clarifying the major component parts of a motor vehicle; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; amending s. 320.02, F.S.; requiring application forms for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution to certain organizations; amending s. 320.023, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary check-off contribution on a motor vehicle registration application to conform to the requirements of ch. 496, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.025, Florida Statutes, conforming the vessel registration law to the motor vehicle registration law; requiring a decal to be affixed to a vessel that is registered under a fictitious name and operated by any law enforcement agency; amending s. 320.05, F.S.; conforming the vessel registration law to the motor vehicle registration law; providing instructions for the release of information regarding a vessel to the public; amending s. 320.055, F.S.; correcting the registration period for nonapportioned vehicles; amending s. 320.06, F.S.; providing for the placement of only one decal rather than two on a license plate; amending s. 320.072, F.S.; reducing the timeframe a registrant can use a previous license plate for the initial registration fee exemption; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.08056, F.S.; requiring the department to count annual renewals when determining whether to discontinue a speciality license plate; requiring certain organizations to notify the department under certain circumstances; including two more colleges to the discontinuance exemptions provided for collegiate speciality license plates; providing for a Florida Golf license plate; amending s. 320.08058, F.S.; requiring the department to develop the Florida Golf license plate; providing for distribution of proceeds of the annual use fees; requiring the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.083, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the Amateur Radio Operator specialty license plate; amending s. 320.089, F.S.; providing for the issuance of Pearl Harbor Survivor and Purple Heart license plates without payment to a disabled veteran; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the EX-POW or Purple Heart specialty license plate; amending s. 320.18, F.S.; providing for cancellation of license plates and fuel use tax decals for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a licensee to have the certificate of title or ownership indicia in his or her possession at an auction; deleting a requirement for establishing a pattern of wrongdoing; revising requirements for denial, suspension, or revocation of a motor vehicle dealer license; amending s. 320.691 F.S.; creating the Automobile Dealers Industry Advisory Board; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor vehicle for drivers' licensing purposes; amending s. 322.05, F.S.; correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver's license; amending s. 322.081, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary contribution on a motor vehicle registration to register with the Department of Agriculture and Consumer Services; amending s. 322.095, F.S.; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; creating s. 322.222, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to hold a hearing when an individual's driver's license has been suspended or revoked due to medical reasons; amending s. 322.25, F.S.; correcting a cross reference; amending s. 322.2615, F.S.; complying with the USDOT's drunk driving

prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.27, F.S.; clarifying the time period for a driver's license revocation of a habitual traffic offender; amending s. 322.28, F.S.; deleting obsolete language regarding the revocation of a driver's license; repealing s. 322.282, F.S., relating to the procedure when the court revokes or suspends license or driving privilege and orders reinstatement; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license is charged with an unlawful blood-alcohol level; repealing s. 322.331, F.S., relating to the reinstatement of a license of a habitual traffic offender; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; deleting the requirement for a copy of a contract upon which a claim of ownership of a vessel is made on a contractual default; amending s. 328.42, F.S.; authorizing the department to deny or cancel any vessel registration, license plate, or fuel use decal when given a dishonored check by the customer; amending s. 328.56, F.S.; deleting the terms "commercial" and "recreational" when referring to vessels operated on the waters of this state; amending s. 328.72, F.S.; deleting the requirements for the transfer of ownership of an antique vessel; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; providing storage periods before the expiration of which certain salvaged vehicles may not be sold; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending ss. 681.1096 and 681.1097, F.S.; revising program requirements for the Pilot RV Mediation and Arbitration program; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement which prohibits disclosure of its terms is void; amending s. 715.07, F.S.; conforming the vessel registration law to the motor vehicle registration law; defining the term "vessel"; authorizing the removal of an undocumented vessel parked on private property; amending s. 832.09, F.S.; authorizing the department to create a standardized form to be used for notification of satisfaction of a worthless check; amending s. 322.056, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a driver's license restricted to business or employment purposes only to certain persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses;

Rep. Gardiner moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Russell offered the following:

(Amendment Bar Code: 390491)

House Amendment 2 to Senate Amendment 1 (with title amendment)—On page 196, line 26 through page 197, line 13, remove from the amendment: all of said lines

And the title is amended as follows:

On page 206, lines 25-30, of the amendment remove: all of said lines

and insert in lieu thereof: honor of certain individuals; amending s. 316.003, F.S.;

Rep. Russell moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Ausley and Richardson offered the following:

(Amendment Bar Code: 404629)

House Amendment 3 to Senate Amendment 1 (with title amendment)—On page 162, between lines 23 and 24,

insert:

Section 107. *Notwithstanding the proviso contained in Specific Appropriation 2022 of the 2001-2002 General Appropriations Act, the Department of Transportation may use funds for arterial highway construction as appropriated in Specific Appropriation 2022 for all projects including Leon County, whether or not the contingency provided in that specific appropriation is met.*

And the title is amended as follows:

On page 172, line 9, after the semicolon,

insert: providing that certain funds may be used for arterial highway construction whether or not certain contingencies are met;

Rep. Ausley moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Allen offered the following:

(Amendment Bar Code: 111849)

House Amendment 4 to Senate Amendment 1—On page 171, line 26, through page 172, line 22, remove from the amendment: all of said lines,

insert: *Department of Transportation, the administrator of the National Aeronautics and Space Administration, the Deputy Assistant Secretary of the Air Force for Space Plans and Policy, and the ex officio nonvoting council members of the Senate and the House of Representatives.*

~~(4)(3)(a)~~ The council shall consist of an executive board ~~consisting, which shall consist~~ of representatives of governmental organizations ~~having with~~ responsibilities for developing or operating space transportation facilities; and a Space Industry Committee, which shall consist of representatives of Florida's space industry.

(b) ~~The executive board consists of the following individuals shall serve on the executive board:~~

1. The executive director of the Spaceport Florida Authority or his or her designee.

~~2. The director of the John F. Kennedy Space Center or his or her designee.~~

~~3. The Commander of the United States Air Force 45th Space Wing or his or her designee.~~

~~4. The Commander of the Naval Ordnance Test Unit or his or her designee.~~

2.5. The Secretary of Transportation or his or her designee.

3.6. The president of Enterprise Florida, Inc., or his or her designee, as an ex officio nonvoting member.

4.7. The director of the Office of Tourism, Trade, and Economic Development or his or her designee, ~~as an ex officio nonvoting member.~~

5. *The chairperson of the Space Industry Committee, or his or her designee.*

6. *The members of the Senate and House of Representatives who serve on the board of supervisors of the Spaceport Florida Authority, who shall be ex officio nonvoting members of the executive board.*

Rep. Allen moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Russell offered the following:

(Amendment Bar Code: 553449)

House Amendment 5 to Senate Amendment 1—On page 194, line 6 through page 196, line 25 remove from the amendment: all of said lines

and insert in lieu thereof:

Section 120. *The sum of \$650,000 is appropriated to the Florida Commercial Space Financing Corporation from nonrecurring General Revenue for fiscal year 2001-2002, and the sum of \$650,000 is appropriated to the Spaceport Florida Authority from nonrecurring General Revenue for fiscal year 2001-2002. The funds distributed to the Florida Commercial Space Financing Corporation pursuant to this section shall be used solely for funding aerospace infrastructure as defined in this section. These funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, Florida Statutes, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. For purposes of this section, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this section. The funds distributed to the Spaceport Florida Authority pursuant to this section shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, Florida Statutes, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. For purposes of this section, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.*

Rep. Russell moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Russell offered the following:

(Amendment Bar Code: 480931)

House Amendment 6 to Senate Amendment 1—On page 87, line 23 through page 88 line 22 remove from the amendment: all of said lines

and insert in lieu thereof:

(a) The council shall consist of:

1. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Speaker of the House of Representatives.

2. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the President of the Senate.

3. Three representatives of private or governmental interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Governor.

(b) Terms for council members shall be 2 years, and each member shall be allowed one vote.

(c) Initial appointments must be made no later than 60 days after this act takes effect. Vacancies in the council shall be filled in the same manner as the initial appointments.

Rep. Russell moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Ball and Bendross-Mindingall offered the following:

(Amendment Bar Code: 730927)

House Amendment 7 to Senate Amendment 1 (with title amendment)—On page 179, line 13 through page 183, line 4, remove from the amendment: all of said lines

and insert in lieu thereof:

Section 116. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) *By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.*

Section 117. Subsection (3) is added to section 30.15, Florida Statutes, to read:

30.15 Powers, duties, and obligations.—

(3) *On or before January 1, 2002, every sheriff shall incorporate an antiracial or other antidiscriminatory profiling policy into the sheriff's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.*

Section 118. Section 166.0493, Florida Statutes, is created to read:

166.0493 Powers, duties, and obligations of municipal law enforcement agencies.—*On or before January 1, 2002, every municipal law enforcement agency shall incorporate an antiracial or other*

antidiscriminatory profiling policy into the agency's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

And the title is amended as follows:

On page 207, line 25 through page 208, line 4, of the amendment remove: all of said lines

and insert in lieu thereof: certain counties; amending s. 943.1758, F.S.; providing that instruction in interpersonal skills relating to diverse populations shall consist of a module developed by the Criminal Justice Standards and Training Commission on the topic of discriminatory profiling; amending ss. 30.15 and 166.0493, F.S.; requiring sheriffs and municipal law enforcement agencies to incorporate antiracial or other antidiscriminatory profiling policies into their policies and practices; providing guidelines and requirements for such policies; creating ss. 332.201, 332.202, 332.203,

Rep. Bendross-Mindingall moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Russell, the House concurred in Senate Amendment 1, as amended.

The question recurred on the passage of CS/CS/HB 1053. The vote was:

Session Vote Sequence: 531

Yeas—106

The Chair	Detert	Jennings	Negron
Allen	Diaz de la Portilla	Johnson	Paul
Andrews	Diaz-Balart	Jordan	Peterman
Argenziano	Dockery	Joyner	Pickens
Arza	Farkas	Kallinger	Prieguez
Attkisson	Feeney	Kendrick	Rich
Atwater	Fields	Kilmer	Richardson
Ausley	Flanagan	Kosmas	Ritter
Baker	Frankel	Kottkamp	Ross
Barreiro	Gannon	Kravitz	Rubio
Baxley	Garcia	Kyle	Russell
Bean	Gardiner	Lacasa	Ryan
Bendross-Mindingall	Gelber	Lee	Seiler
Bennett	Gibson	Lerner	Simmons
Bense	Goodlette	Littlefield	Siplin
Benson	Gottlieb	Lynn	Slosberg
Berfield	Green	Machek	Sobel
Betancourt	Greenstein	Mack	Sorensen
Bilirakis	Haridopolos	Mahon	Spratt
Bowen	Harper	Mayfield	Stansel
Brutus	Harrell	Maygarden	Wallace
Bucher	Harrington	Meadows	Waters
Bullard	Hart	Mealor	Wiles
Byrd	Henriquez	Melvin	Wilson
Clarke	Heyman	Miller	Wishner
Crow	Hogan	Murman	
Davis	Holloway	Needelman	

Nays—8

Brummer	Cusack	McGriff	Smith
Carassas	Justice	Romeo	Weissman

Votes after roll call:

Yeas—Alexander, Trovillion

Yeas to Nays—Bilirakis

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

Explanations of Vote

I voted yes for CS/CS/HB 1053 because there were several issues within the bill that I support. However, I want to state clearly my support for the earlier amendment #031199 which unfortunately was laid on the table by a voice vote. The amendment would have removed from the bill section 63. That provision unfairly reduces the effective power of cities and counties to remove unwanted billboards. This will make it more difficult for local jurisdictions to enhance the beauty of their landscapes and protect the natural environment of their communities.

*Rep. Lois J. Frankel
District 85*

Today, I am casting a yes vote for HB 1053. Often, compromises on legislation often put members in the position having to accept some bad to get much good. This bill contains many provisions which I believe are very positive, such as the creation of the Safe Paths to Schools Program and the positive changes to the TOPS program. I also believe that many of the other provisions related to the Department of Transportation will make the Department more business and constituent friendly and undoubtedly, more efficient. Nonetheless, I am very troubled that this bill contains provisions relating to the local control of billboards. I believe we must support the concept of local control. However, notwithstanding my opposition to the billboard provision and the request from many of my constituents and local governments to vote no, I will support this bill because generally, this bill is an very positive product.

*Rep. Doug Wiles
District 20*

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1749, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1749—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of officers, compensation of board members, the executive director, and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board's annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Subsection (1) of section 414.045, Florida Statutes, is amended to read:

414.045 Cash assistance program.—Cash assistance families include any families receiving cash assistance payments from the state program for temporary assistance for needy families as defined in federal law, whether such funds are from federal funds, state funds, or commingled federal and state funds. Cash assistance families may also include families receiving cash assistance through a program defined as a separate state program.

(1) For reporting purposes, families receiving cash assistance shall be grouped *into* in the following categories. The department may develop additional groupings in order to comply with federal reporting requirements, to comply with the data-reporting needs of the board of directors of Workforce Florida, Inc., or to better inform the public of program progress. ~~Program reporting data shall include, but not necessarily be limited to, the following groupings:~~

(a) Work-eligible cases.—Work-eligible cases shall include:

1. Families containing an adult or a teen head of household, as defined by federal law. These cases are generally subject to the work activity requirements provided in s. 445.024 and the time limitations on benefits provided in s. 414.105.

2. Families with a parent where the parent's needs have been removed from the case due to sanction or disqualification shall be considered work-eligible cases to the extent that such cases are considered in the calculation of federal participation rates or would be counted in such calculation in future months.

3. Families participating in transition assistance programs.

4. Families otherwise eligible for temporary cash assistance that receive diversion services, a severance payment, or participate in the relocation program.

(b) Child-only cases.—Child-only cases include cases that do not have an adult or teen head of household as defined in federal law. Such cases include:

1. ~~Child-only families with~~ Children in the care of caretaker relatives where the caretaker relatives choose to have their needs excluded in the calculation of the amount of cash assistance.

2. Families in the Relative Caregiver Program as provided in s. 39.5085.

3. Families in which the only parent in a single-parent family or both parents in a two-parent family receive supplemental security income (SSI) benefits under Title XVI of the Social Security Act, as amended. To the extent permitted by federal law, individuals receiving SSI shall be excluded as household members in determining the amount of cash assistance, and such cases shall not be considered families containing an adult. Parents or caretaker relatives who are excluded from the cash assistance group due to receipt of SSI may choose to participate in work activities. An individual who volunteers to participate in work activity but whose ability to participate in work activities is limited shall be assigned to work activities consistent with such limitations. An individual who volunteers to participate in a work activity may receive child care or support services consistent with such participation.

4. Families where the only parent in a single-parent family or both parents in a two-parent family are not eligible for cash assistance due to immigration status or other ~~limitation requirements~~ of federal law. To the extent required by federal law, such cases shall not be considered families containing an adult.

5. *To the extent permitted by federal law and subject to appropriations, special needs children who have been adopted pursuant to s. 409.166 and whose adopting family qualifies as a needy family under the state program for temporary assistance for needy families. Notwithstanding any provision to the contrary in s. 414.075, s. 414.085, or s. 414.095, a family shall be considered a needy family if:*

a. The family is determined by the department to have an income below 200 percent of the federal poverty level;

b. The family meets the requirements of s. 414.095(2) and (3) related to residence, citizenship, or eligible noncitizen status; and

c. The family provides any information that may be necessary to meet federal reporting requirements specified under Part A of Title IV of the Social Security Act.

Families described in subparagraph 1., subparagraph 2., or subparagraph 3. may receive child care assistance or other supports or services so that the children may continue to be cared for in their own homes or the homes of relatives. Such assistance or services may be funded from the temporary assistance for needy families block grant to the extent permitted under federal law and to the extent funds have been provided in the General Appropriations Act ~~permitted by appropriation of funds.~~

Section 2. Section 409.1674, Florida Statutes, is created to read:

409.1674 *It is the intent of the Legislature to improve services and local participation in community-based care initiatives by fostering community support and providing enhanced prevention and in-home services, thereby reducing the risk otherwise faced by lead agencies. There is established a community partnership matching grant program to be operated by the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for child welfare. Any children's services council or other local government entity that makes a financial commitment to a community-based care lead agency is eligible for a grant upon proof that the children's services council or local government entity has provided the selected lead agency at least \$825,000 in start-up funds, from any local resources otherwise available to it. The total amount of local contribution may be matched on a two-for-one basis up to a maximum amount of \$2 million per council. Awarded matching grant funds may be used for any prevention or in-home services provided by the children's services council or other local government entity that meets temporary-assistance-for-needy-families' eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system. To ensure necessary flexibility for the development, start-up, and ongoing operation of community-based care initiatives, the notice period required for any budget action authorized by the provisions of s. 20.19(5)(b), is waived for the family safety program; however, the Department of Children and Family Services must provide copies of all such actions to the Executive Office of the Governor and Legislature within 72 hours of their occurrence. Funding available for the matching grant program is subject to legislative appropriation of nonrecurring temporary-assistance-for-needy-families funds provided for the purpose. This sections expires July 1, 2002.*

Section 3. Subsection (1) of section 938.01, Florida Statutes, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess \$3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement ~~and the Department of Community Affairs~~ for distribution as follows:

1. Two dollars and seventy-five cents of each \$3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited

into the Department of Law Enforcement Operating Trust Fund and shall be disbursed to the ~~Bureau of Public Safety Management of the Department of Law Enforcement~~ Community Affairs.

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the ~~Department of Law Enforcement Operating Trust Fund~~ and shall be disbursed to the ~~Bureau of Public Safety Management of the Department of Law Enforcement~~ Community Affairs.

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the ~~Department of Law Enforcement Operating Trust Fund~~ may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund until the following year.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with s. 943.25(9).

Section 4. Subsection (1) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(1) The Department of ~~Law Enforcement~~ Community Affairs may approve, for disbursement from the ~~Department of Law Enforcement~~ its Operating Trust Fund, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds may not be made without specific legislative appropriation.

Section 5. *The criminal justice program of the Department of Community Affairs is transferred to the Department of Law Enforcement by a type two transfer, as defined in section 20.06, Florida Statutes. The criminal justice program so transferred is composed of the Byrne State and Local Law Enforcement Assistance Program, local law enforcement block grants, the Drug-Free Communities Program, residential substance-abuse treatment of state prisoners, the bulletproof vest program, the Guantanamo Bay Refugee and Entrant Assistance Program, the national criminal history improvement program, and the Violent Offender Incarceration and Truth-in-Sentencing Program.*

Section 6. *The Department of Law Enforcement may adopt rules necessary for the operation of the criminal justice program.*

Section 7. (1) *The Prevention of Domestic and Sexual Violence Program is transferred from the Department of Community Affairs to the Department of Children and Family Services by a type two transfer, as defined in section 20.06, Florida Statutes. The Domestic and Sexual Violence Program so transferred is composed of the Governor's Task Force on Domestic and Sexual Violence and the Violence Against Women Program.*

(2) *From the funds deposited into the Department of Law Enforcement Operating Trust Fund pursuant to section 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law Enforcement shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program transferred from the Department of Community Affairs. The amount of the transfer for fiscal year 2001-2002 shall be determined by the Governor's Office of Planning and Budgeting in consultation with the Department of Community Affairs, the Department of Law Enforcement, and the Department of Children and Family Services and shall be based on the historic use of these funds and current needs of the Prevention of Domestic and Sexual Violence Program. In subsequent years, the transfer of funds shall be based on the amount appropriated.*

Section 8. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: An act to be entitled An act relating to children and family services and to criminal justice programs; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; creating s. 409.1674, F.S.; providing legislative intent; establishing the community partnership matching grant program to be operated by the Department of Children and Family Services to encourage local participation in community-based care for child welfare; providing conditions for obtaining grants; providing that funding is subject to legislative appropriation of nonrecurring temporary-assistance-for-needy-families funds; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain court-cost proceeds into the Department of Law Enforcement Operating Trust Fund; prescribing authorized uses of assets in such fund; transferring the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; providing for the latter department to adopt rules relating to the program; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing for funding the program; providing an effective date.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 840519)

House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 1, between lines 16 and 17,

insert:

Section 1. If section 35 of chapter 2000-260, Laws of Florida, is repealed by section 58 of said chapter, paragraph (e) 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:

(e) 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., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the

Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. 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. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 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. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph 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(6). However, a certified applicant is entitled to 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. 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. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development 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 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. 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 certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based

on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.

8. All other proceeds shall remain with the General Revenue Fund.

Section 2. If section 35 of chapter 2000-260, Laws of Florida, is not repealed by section 58 of said chapter, paragraph (e) 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 and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) 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 or remitted pursuant to s. 202.18(1)(b) and (2)(b) 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., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. 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. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 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. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph 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(6). However, a certified applicant is entitled to 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. 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. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development 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 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. 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 certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.

8. All other proceeds shall remain with the General Revenue Fund.

Section 3. Paragraph (k) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(k) Payment information relative to chapters 199, 201, 212, 220, and 221 to the Office of Tourism, Trade, and Economic Development in its administration of the tax refund program for qualified defense contractors authorized by s. 288.1045, and the tax refund program for qualified target industry businesses authorized by s. 288.106, and the sales tax reimbursement program for certified sports industry economic development projects authorized by s. 288.113.

Section 4. Section 288.113, Florida Statutes, is created to read:

288.113 Tax reimbursement program for certified sports industry economic development projects.—

(1) **LEGISLATIVE FINDINGS AND DECLARATIONS.**—The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certified sports industry economic development projects provides high-quality employment opportunities for residents of the state, increases tourism, and enhances the economic foundations of the state. It is the policy of the state to encourage the growth of high-value-added employment to the economic base by providing a sales tax reimbursement to certified sports industry economic development projects that create new employment opportunities and generate new sales tax dollars by expanding businesses within the state or by bringing new businesses to the state.

(2) **DEFINITIONS.**—As used in this section:

(a) “Certified sports industry economic development project” or “project” means any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes for the state, has submitted a properly completed application to the Office of Tourism, Trade, and Economic Development, and has subsequently been certified by that office as a certified sports industry economic development project.

(b) “Sales tax reimbursement” means the monthly amount to be distributed through a reimbursement to a certified sports industry economic development project pursuant to s. 212.20. Such amount shall be determined by the Office of Tourism, Trade, and Economic Development as provided in this section.

(3) **AMATEUR SPORTS BUSINESS ELIGIBLE TO APPLY.**—

(a) Any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes for the state may submit to the Office of Tourism, Trade, and Economic Development an application for approval as a certified sports industry economic development project for the purpose of receiving a sales tax reimbursement on new sales taxes generated by increased new business and tourism activity directly attributable to the proposed amateur sports industry economic development project.

(b) The number of certified sports industry economic development projects shall not exceed three until June 30, 2006, and thereafter only one new certified sports industry economic development project may be certified by the Office of Tourism, Trade, and Economic Development each year.

(4) **SALES TAX REIMBURSEMENT AND AUTHORIZED AMOUNT.**—Pursuant to s. 212.20, each certified sports industry economic development project shall be eligible for a monthly distribution of its sales tax reimbursement in the amount determined by its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development. The amount shall be based on new sales tax revenues generated under chapter 212 by increased new business and tourism activity directly attributable to the project as determined using the sports economic impact model and, subject to other restrictions, returns 50 percent of that amount to the project. The total amount of sales tax reimbursement for all fiscal years estimated for each project shall not exceed 50 percent of the cost of the project as determined by the Office of Tourism, Trade, and Economic Development in the certification process set forth in subsection (6). The annualized amount of the monthly distribution shall be calculated by the Office of Tourism, Trade, and Economic Development and specified in the applicant’s sales tax reimbursement agreement. Annual payment amounts shall be no less

than \$500,000 and no more than \$2 million, unless the Office of Tourism, Trade, and Economic Development reduces payments below \$500,000 under its authority to decertify a project as discussed in subsection (6).

(5) **AUTHORIZED USE OF SALES TAX REIMBURSEMENT PAYMENTS.**—After entering into a sales tax reimbursement agreement under subsection (7), a certified sports industry economic development project may receive a sales tax reimbursement for:

(a) Developing and implementing any component of the project’s sports events and activities;

(b) Constructing, reconstructing, renovating, furnishing, equipping, or operating the project’s facilities or events;

(c) Pledging payments or debt service on or funding debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds for the project’s activities and facilities; or

(d) Paying the cost of relocating the project’s corporate headquarters into the state.

(6) **CERTIFICATION, RECERTIFICATION, AND DECERTIFICATION PROCEDURE.**—

(a) The Office of Tourism, Trade, and Economic Development shall establish a certification process by which a proposed amateur sports industry economic development project may be approved by the office as a certified sports industry economic development project that is eligible to receive economic development incentives in the form of a sales tax reimbursement of a percentage of new sales taxes that have been generated and remitted to the state as a result of the certified sports industry economic development project.

(b) Before certifying an applicant under this subsection, the Office of Tourism, Trade, and Economic Development shall determine that the applicant has:

1. Completed an independent analysis or study, verified by the Office of Tourism, Trade, and Economic Development, which demonstrates that the proposed amateur sports industry economic development project will generate a minimum of \$1 million annually in new sales tax revenues over a multiyear period.

2. Received commitments for amateur sports activities which demonstrate that the proposed amateur sports economic development project will bring to this state on a multiyear basis new proposed amateur sports economic development project activities that will generate a minimum of \$1 million in new sales tax revenues annually, as verified by the Office of Tourism, Trade, and Economic Development.

3. Demonstrated that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred in or related to the development of the proposed amateur sports industry economic development project.

(c) An amateur sports business that has previously been certified under this section and has received a sales tax reimbursement under that certification is ineligible for additional certification.

(d) Upon determining that a proposed amateur sports industry economic development project meets the established criteria for approval as a certified sports industry economic development project and qualifies for a sales tax reimbursement, the Office of Tourism, Trade, and Economic Development shall issue to the applicant a letter of certification that stipulates the terms of the sales tax reimbursement agreement and the penalties for failing to comply with those terms.

(e) The Office of Tourism, Trade, and Economic Development shall deny the application of an amateur sports business to be a certified sports industry economic development project if the office determines that the proposed project does not meet the established criteria for approval.

(f) The Office of Tourism, Trade, and Economic Development shall develop a standardized form for an amateur sports business to complete in applying for certification as a certified sports industry economic development project. The application shall include, but shall not be

limited to, relevant information on employment and job creation, proposed budgets, contracts for multiyear events and projects, project financing, and other information requested by the office. The application may be distributed to applicants by the Office of Tourism, Trade, and Economic Development, and all completed applications shall be processed by the office.

(g) Initial certification for a sales tax reimbursement under this section is valid for 120 months. Subsequent to the initial certification period, the certified sports industry economic development project is eligible for two periods of recertification, each of which is valid for 60 months. A project shall request recertification 12 months before the expiration of the certificate.

(h) A certified sports industry economic development project may request recertification after the initial certification period to be requalified for certification as a certified sports industry economic development project for a period not to exceed 240 months.

(i) The Office of Tourism, Trade, and Economic Development shall recertify, before the end of the first 10-year period, that the certified sports industry economic development project is operational and that the project is meeting the minimum projections for sales tax revenues as required at the time of original certification. If the project is not recertified during this 10-year review period as meeting the minimum projections, funding shall be adjusted until certification criteria are met. If the project fails to generate annual sales tax revenues pursuant to its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, the amount of revenues distributed to the project under s. 212.20(6)(e)7.e. shall be reduced to the amount of the taxes collected times 50 percent. If, for 2 consecutive years, the amount of tax revenues collected falls below a minimum of \$1 million per year, the project may be decertified at the discretion of the Office of Tourism, Trade, and Economic Development. Such a reduction shall remain in effect until the sales tax revenues generated by the project in a 12-month period equal or exceed \$1 million.

(j) A project may be decertified if the Office of Tourism, Trade, and Economic Development determines that the amateur sports business can no longer maintain its economic development activities in this state. If the project is no longer in existence, or is no longer viable, as determined by the project's sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, or if the project has the certificate for purposes other than those authorized by this section and chapter 212, the Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue to suspend payment for a period of 6 months until the project is either in compliance with the sales tax reimbursement agreement or is determined to be in default. In addition to other penalties imposed by law, any person who knowingly and willfully falsifies an application for purposes other than those authorized by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(k) The Office of Tourism, Trade, and Economic Development shall provide written notification to the Department of Revenue of all certifications, recertifications, and decertifications of projects and of the sales tax reimbursement distribution amount each project is entitled to receive.

(l) The Office of Tourism, Trade, and Economic Development shall develop rules for the receipt and processing of applications for funding pursuant to s. 212.20.

(7) SALES TAX REIMBURSEMENT AGREEMENT TERMS.—

(a) In order to qualify for sales tax reimbursement from the state, each certified sports industry economic development project shall enter into a written agreement with the Office of Tourism, Trade, and Economic Development which specifies, at a minimum:

1. The total number of full-time-equivalent jobs created in or transferred to this state as a direct result of the project, the average wage paid for those jobs, the criteria that will apply to measuring the achievement of these terms during the effective period of the agreement,

and a time schedule or plan for when such jobs will be in place and operative in the state.

2. The maximum amount of new sales taxes estimated to be generated as a result of the project, the maximum amount of sales tax reimbursement that the project is eligible to receive, and the maximum amount of sales tax reimbursement that the project is requesting.

3. The budgets, financing, projections, and cost estimates for the sports activities and projects for which reimbursement is sought.

(b) Compliance with the terms and conditions of the sales tax reimbursement agreement is a condition precedent for receiving a sales tax reimbursement each year. The terms and timeframe of the agreement shall be commensurate with the duration of the certification period. Failure to comply with the terms and conditions of the sales tax reimbursement agreement shall result in an immediate review by the Office of Tourism, Trade, and Economic Development of the activities of the project.

(c) The sales tax reimbursement shall not exceed 50 percent of the total project costs, amortized over a period not to exceed 20 years.

(d) Sales tax reimbursement may be provided through direct payment or other means of payment to the certified sports industry economic development project, as determined in the sales tax reimbursement agreement with the approval of the Department of Revenue.

(8) ADMINISTRATION.—

(a) The Office of Tourism, Trade, and Economic Development may verify information provided in any claim for sales tax reimbursement under this section, including information regarding employment and wage levels or the payment of taxes under chapter 212 to the appropriate agency, including the Department of Revenue, the Agency for Workforce Innovation, or the appropriate local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the Office of Tourism, Trade, and Economic Development may request information necessary for determining a project's compliance with this section from the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority. These governmental entities shall provide assistance in the areas within their scope of responsibilities.

(c) The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required in this section.

(9) RELATIONSHIP OF SALES TAX REIMBURSEMENTS TO SPORTS INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.— Beginning January 1, 2003, the Office of Tourism, Trade, and Economic Development shall maintain records based on information provided on taxpayer applications for certified sports industry economic development projects that receive sales tax reimbursements. These records shall include a statement of the percentage of the overall new economic impact generated by certified sports industry economic development projects and the amount of funds annually reimbursed to such projects. In addition, the Office of Tourism, Trade, and Economic Development shall maintain data showing the annual growth in Florida-based amateur sports industry businesses and the number of persons employed and wages paid by such businesses. The Office of Tourism, Trade, and Economic Development shall report this information to the Legislature annually, no later than December 1.

Section 5. Subsection (1) of section 288.1229, Florida Statutes, is amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in:

(a) The promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(b) The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.

(c) *The attraction of amateur sports industry economic development projects to this state for the purposes set forth in paragraphs (a) and (b), as well as for the purposes of increasing national and international media promotions and attention, promoting the quality of life in the state, and promoting tourism, which will have a positive effect on expanding the tax base as well as creating new jobs in the state.*

And the title is amended as follows:

On page 20, line 12, after "Board," of the amendment

insert: amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state;

Rep. Johnson moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Johnson, the House concurred in Senate Amendment 1, as amended.

The question recurred on the passage of HB 1749. The vote was:

Session Vote Sequence: 532

Yeas—116

The Chair	Benson	Detert	Goodlette
Alexander	Berfield	Diaz de la Portilla	Gottlieb
Allen	Betancourt	Diaz-Balart	Green
Andrews	Bilirakis	Dockery	Greenstein
Argenziano	Bowen	Farkas	Haridopolos
Arza	Brummer	Fasano	Harper
Attkisson	Brutus	Feeney	Harrell
Atwater	Bucher	Fields	Harrington
Ausley	Bullard	Flanagan	Hart
Baker	Byrd	Frankel	Henriquez
Barreiro	Cantens	Gannon	Heyman
Bean	Clarke	Garcia	Hogan
Bendross-Mindingall	Crow	Gardiner	Holloway
Bennett	Cusack	Gelber	Jennings
Bense	Davis	Gibson	Johnson

Jordan	Lynn	Paul	Siplin
Joyner	Machek	Peterman	Slosberg
Justice	Mack	Pickens	Smith
Kallinger	Mahon	Prieguez	Sobel
Kendrick	Mayfield	Rich	Sorensen
Kilmer	Maygarden	Richardson	Spratt
Kosmas	McGriff	Ritter	Stansel
Kottkamp	Meadows	Romeo	Trovillion
Kravitz	Mealor	Ross	Wallace
Kyle	Melvin	Rubio	Waters
Lacasa	Miller	Russell	Weissman
Lee	Murman	Ryan	Wiles
Lerner	Needelman	Seiler	Wilson
Littlefield	Negron	Simmons	Wishner

Nays—None

Votes after roll call:

Yeas—Carassas

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 892 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senator Garcia—

CS for SB 892—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for identifying information relating to a database for deferred presentment providers which is created and maintained by the Department of Banking and Finance under s. 560.404, F.S.; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the first time by title. On motion by Rep. Brummer, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 533

Yeas—108

The Chair	Byrd	Haridopolos	Maygarden
Alexander	Cantens	Harper	Meadows
Allen	Clarke	Harrell	Mealor
Andrews	Crow	Hart	Melvin
Argenziano	Cusack	Henriquez	Miller
Arza	Davis	Heyman	Murman
Attkisson	Detert	Hogan	Needelman
Atwater	Diaz de la Portilla	Holloway	Negron
Ausley	Diaz-Balart	Johnson	Paul
Baker	Dockery	Jordan	Peterman
Barreiro	Farkas	Justice	Pickens
Baxley	Fasano	Kallinger	Prieguez
Bean	Feeney	Kendrick	Rich
Bendross-Mindingall	Fields	Kilmer	Richardson
Bennett	Flanagan	Kosmas	Ritter
Bense	Frankel	Kottkamp	Rubio
Benson	Gannon	Kravitz	Russell
Berfield	Garcia	Kyle	Ryan
Betancourt	Gardiner	Lacasa	Seiler
Bilirakis	Gelber	Lee	Simmons
Bowen	Gibson	Littlefield	Siplin
Brummer	Goodlette	Lynn	Slosberg
Brutus	Gottlieb	Machek	Sobel
Bucher	Green	Mack	Sorensen
Bullard	Greenstein	Mahon	Spratt

Stansel	Wallace	Weissman	Wilson
Trovillion	Waters	Wiles	Wishner

On motion by Rep. Byrd, the House agreed to move to the consideration of CS/HB 271 and then return to the consideration of Messages from the Senate.

Nays—5

Carassas	Lerner	McGriff	Romeo
Joyner			

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 271, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1020, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Rossin—

SB 1020—A bill to be entitled An act relating to non-ad valorem assessments; amending s. 170.201, F.S.; authorizing counties to levy special assessments to fund capital improvements and certain services; providing for apportionment of such assessments; amending s. 197.3632, F.S., relating to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments; defining the term “levied for the first time”; specifying the circumstances in which a local government must adopt a non-ad valorem assessment roll at a public hearing; prescribing requirements relating to the notice that must be given before such a hearing is held; providing an effective date.

—was read the first time by title. On motion by Rep. Andrews, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 534

Yeas—118

The Chair	Cusack	Jennings	Paul
Alexander	Davis	Johnson	Peterman
Allen	Detert	Jordan	Pickens
Andrews	Diaz de la Portilla	Joyner	Prieguez
Argenziano	Diaz-Balart	Justice	Rich
Arza	Dockery	Kallinger	Richardson
Attkisson	Farkas	Kendrick	Ritter
Atwater	Fasano	Kilmer	Romeo
Ausley	Feeney	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Barreiro	Flanagan	Kravitz	Russell
Baxley	Frankel	Kyle	Ryan
Bean	Gannon	Lacasa	Seiler
Bendross-Mindingall	Garcia	Lee	Simmons
Bennett	Gardiner	Lerner	Siplin
Bense	Gelber	Littlefield	Slosberg
Benson	Gibson	Lynn	Smith
Berfield	Goodlette	Machek	Sobel
Betancourt	Gottlieb	Mack	Sorensen
Bilirakis	Green	Mahon	Spratt
Bowen	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner
Clarke	Hogan	Needelman	
Crow	Holloway	Negron	

Nays—None

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

CS/HB 271—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to a nonprofit scholarship funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for annual funding through the General Appropriations Act; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer’s adjusted federal income; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 220.187, Florida Statutes, is created to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(1) *PURPOSE.—The purpose of this section is to:*

(a) *Provide a tax credit for certain contributions to a nonprofit scholarship-funding organization.*

(b) *Expand educational opportunities for children of families that have limited financial resources.*

(c) *Enable children in this state to achieve a greater level of excellence in their education.*

(2) *DEFINITIONS.—As used in this section, the term:*

(a) *“Department” means the Department of Revenue.*

(b) *“Eligible contribution” means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child or group of children as the beneficiaries of the contribution.*

(c) *“Eligible nonpublic school” means a nonpublic school located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection (5).*

(d) *“Eligible nonprofit scholarship-funding organization” means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and that complies with the provisions of subsection (4).*

(e) *“Qualified student” means a student who qualifies for free or reduced-price school lunches under the National School Lunch Act and who:*

1. *Was counted as a full-time-equivalent student during the previous state fiscal year for purposes of state per-student funding;*
2. *Received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year; or*
3. *Is eligible to enter kindergarten or first grade.*

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(a) *There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. However, 5 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application. The credit granted by this section shall be reduced, if necessary, so that the reduction in federal corporate income taxes and the reduction in taxes imposed pursuant to this chapter as a result of this section and s. 220.13(1)(a)11. will not exceed the amount of the contribution to the nonprofit scholarship-funding organization.*

(b) *The total amount of tax credit which may be granted each state fiscal year under this section is \$50 million.*

(c) *A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).*

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(a) *An eligible nonprofit scholarship-funding organization shall provide scholarships, from eligible contributions, to qualified students for tuition or textbook expenses for, or transportation to, an eligible nonpublic school. At least 75 percent of the scholarship funding must be used to pay tuition expenses.*

(b) *An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.*

(c) *The amount of a scholarship provided by the eligible nonprofit scholarship-funding organization from eligible contributions may not exceed \$3,500 annually for a scholarship awarded to a student enrolled in an eligible nonpublic school.*

(d) *The amount of an eligible contribution which may be accepted by an eligible nonprofit scholarship-funding organization is limited to the amount needed to provide scholarships for qualified students which the organization has identified and for which vacancies in eligible nonpublic schools have been identified.*

(e) *An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships in the same state fiscal year in which the contribution was received. No portion of eligible contributions may be used for administrative expenses.*

(f) *An eligible nonprofit scholarship-funding organization that receives eligible contributions must be audited annually by an independent certified public accountant in accordance with rules adopted by the Department of Education. The annual audit report must be submitted to the Auditor General and the Department of Education for review. The Auditor General and the Department of Education are each authorized to require and obtain from the eligible nonprofit scholarship-funding organization, or from its certified public accountant, any data regarding the provision of scholarships to qualified students or the uses of eligible contributions.*

(g) *Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant made payable to the student's parent or guardian and mailed by the eligible nonprofit scholarship-funding organization to the nonpublic school of the parent's or guardian's choice, and the parent or guardian shall restrictively endorse the warrant to the nonpublic school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a*

scholarship warrant, the parent or guardian to whom the warrant is made restrictively endorses the warrant to the nonpublic school of the parent's or guardian's choice for deposit into the account of the nonpublic school.

(5) ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.—An eligible nonpublic school must:

(a) *Demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education with a statement by a certified public accountant confirming that the nonpublic school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.*

(b) *Notify the Department of Education of its intent to participate in the program under this section by May 1 of the school year preceding the school year in which it intends to participate. The notice must specify the grade levels and services that the nonpublic school has available for students who are participating in the scholarship program.*

(c) *Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.*

(d) *Meet state and local health and safety laws and codes.*

(e) *Be academically accountable to the parent or guardian for meeting the educational needs of the student.*

(f) *Employ or contract with teachers who hold baccalaureate or higher degrees; or have at least 3 years of teaching experience in public or private schools; or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.*

(g) *Comply with all state laws relating to general regulation of nonpublic schools.*

(h) *Adhere to the tenets of its published disciplinary procedures prior to the expulsion of a scholarship student.*

(6) ADMINISTRATION; RULES.—

(a) *If the credit granted pursuant to this section is not fully used in any one year, the unused amount may not be carried forward. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.*

(b) *An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.*

(c) *The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d), eligibility of nonpublic schools that meet the requirements of paragraph (2)(c), and eligibility of expenditures under this section as provided in subsection (4).*

(d) *The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits under this section on a first-come, first-served basis.*

(e) *The Department of Education shall adopt rules necessary to determine eligibility of nonprofit scholarship-funding organizations and identify qualified students.*

(7) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.—All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 18.10(2).

Section 2. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, and those enumerated in s. 220.185, and those enumerated in s. 220.187.

Section 3. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 “Adjusted federal income” defined.—

(1) The term “adjusted federal income” means an amount equal to the taxpayer’s taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 2005.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on June 30, 2005.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers’ cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.187.

Section 4. Paragraph (u) is added to subsection (7) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(u) Information relative to s. 220.187 to the Department of Education in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 5. This act shall take effect January 1, 2002, and shall apply to tax years beginning on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; defining terms; providing a credit against the tax for contributions to a nonprofit scholarship-funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain students and providing requirements and limitations with respect thereto; providing for allocation; providing requirements for deposit of eligible contributions; providing duties of the Department of Revenue and Department of Education; establishing criteria for nonpublic school eligibility; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer’s adjusted federal income; amending s. 213.053, F.S.; authorizing information-sharing with the Department of Education; providing an effective date.

Representative(s) Negron and Melvin offered the following:

(Amendment Bar Code: 144107)

House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 1, line 17, through page 10, line 12, remove from the amendment: all of said lines

and insert in lieu thereof:

Section 1. Section 220.187, Florida Statutes, is created to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(1) *PURPOSE.*—The purpose of this section is to:

(a) Encourage private, voluntary contributions to nonprofit scholarship-funding organizations.

(b) Expand educational opportunities for children of families that have limited financial resources.

(c) Enable children in this state to achieve a greater level of excellence in their education.

(2) *DEFINITIONS.*—As used in this section, the term:

(a) “Department” means the Department of Revenue.

(b) “Eligible contribution” means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution. The taxpayer may not contribute more than \$5 million to any single eligible nonprofit scholarship-funding organization.

(c) "Eligible nonpublic school" means a nonpublic school located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection (5).

(d) "Eligible nonprofit scholarship-funding organization" means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and that complies with the provisions of subsection (4).

(e) "Qualified student" means a student from a family that meets the income eligibility guidelines for free or reduced-price school lunches under the National School Lunch Act and who:

1. Was counted as a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding; or
2. Is eligible to enter kindergarten or first grade; or
3. Was enrolled in a nonpublic school in the previous year; or
4. Received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit shall not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

(b) The total amount of tax credit which may be granted each state fiscal year under this section is \$50 million. However, at least five percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business as defined in s. 288.703(1), F.S., at the time of application.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(a) An eligible nonprofit scholarship-funding organization shall provide scholarships, from eligible contributions, to qualified students for:

1. Tuition or textbook expenses for, or transportation to, an eligible nonpublic school. At least 75 percent of the scholarship funding must be used to pay tuition expenses; or
2. Transportation expenses to a Florida public school that is located outside the district in which the student resides.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(c) The amount of a scholarship provided to any child for any single school year by all eligible nonprofit scholarship-funding organizations from eligible contributions shall not exceed the following annual limits:

1. \$3,500 for a scholarship awarded to a student enrolled in an eligible nonpublic school.
2. \$500 for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides.

(d) An eligible nonprofit scholarship-funding organization must allocate and disburse at least eighty percent of the annual eligible contributions received each year for scholarships to qualified students as defined in subparagraph (2)(e)1. or for such students whose scholarships are being renewed. Twenty percent of the annual eligible contributions received each year may be provided for single-year or multi-year scholarships to any qualified students as defined in paragraph (2)(e). However, this twenty percent must be disbursed for scholarships within a 5-year period of the initial receipt of the contribution. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(e) An eligible nonprofit scholarship-funding organization that receives eligible contributions must provide to the Auditor General an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General.

(f) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant or check made payable to the student's parent. If the parent chooses for their child to attend an eligible nonpublic school, the warrant or check must be mailed by the eligible nonprofit scholarship funding organization to the nonpublic school of the parent's choice, and the parent shall restrictively endorse the warrant or check to the nonpublic school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant or check, the parent to whom the warrant or check is made restrictively endorses the warrant or check to the nonpublic school of the parent's choice for deposit into the account of the nonpublic school.

(g) An eligible nonprofit scholarship-funding organization shall report annually to the Department of Education on the number of students participating in this program, the type of student, and the school in which they are attending.

(5) ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.—An eligible nonpublic school must:

(a) Demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education with a statement by a certified public accountant confirming that the nonpublic school is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Comply with all state laws relating to general regulation of nonpublic schools.

(6) ADMINISTRATION; RULES.—

(a) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may not be carried forward. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(c) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d).

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits under this section on a first-come, first-served basis.

(e) The Department of Education shall adopt rules necessary to confirm compliance of nonprofit scholarship-funding organizations.

(7) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.—All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 18.10(2).

Section 2. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, and those enumerated in s. 220.185, and those enumerated in s. 220.187.

Section 3. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 2005.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on June 30, 2005.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers'

cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.187.

Section 4. Paragraph (u) is added to subsection (7) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(u) Information relative to s. 220.187 to the Department of Education in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 5. This act shall take effect January 1, 2002, and shall apply to tax years beginning on or after that date.

And the title is amended as follows:

On page 10, line 20 through page 11, line 12, of the amendment remove: all of said lines

and insert in lieu thereof: An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; defining terms; providing a credit against the tax for contributions to a nonprofit scholarship-funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain students and providing requirements and limitations with respect thereto; providing for allocation; providing for payment provisions; providing for an audit; providing for a report; establishing criteria for nonpublic school eligibility; providing duties of the Department of Revenue and Department of Education; providing for rules; providing for deposits of eligible contributions; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; amending s. 213.053, F.S.; authorizing information-sharing with the Department of Education; providing an effective date.

Rep. Negron moved the adoption of the amendment to the amendment.

Motion

Rep. Byrd moved the previous question on the amendments and the bill, which was agreed to. The vote was:

Session Vote Sequence: 535

Yeas—72

The Chair	Baker	Berfield	Crow
Alexander	Ball	Bilirakis	Davis
Allen	Barreiro	Bowen	Diaz de la Portilla
Andrews	Baxley	Brummer	Diaz-Balart
Argenziano	Bean	Byrd	Dockery
Arza	Bennett	Cantens	Farkas
Attkisson	Bense	Carassas	Fasano
Atwater	Benson	Clarke	Flanagan

Garcia	Johnson	Mack	Pickens
Gardiner	Jordan	Mahon	Prieguez
Gibson	Kallinger	Maygarden	Rubio
Goodlette	Kilmer	Mealor	Russell
Green	Kottkamp	Melvin	Simmons
Haridopolos	Kravitz	Miller	Spratt
Harrell	Kyle	Murman	Trovillion
Harrington	Lacasa	Needelman	Wallace
Hart	Littlefield	Negron	Waters
Hogan	Lynn	Paul	Wilson

Nays—43

Ausley	Gelber	Kosmas	Ryan
Bendross-Mindingall	Gottlieb	Lee	Seiler
Betancourt	Greenstein	Lerner	Siplin
Brutus	Harper	Machek	Slosberg
Bucher	Henriquez	McGriff	Smith
Bullard	Heyman	Meadows	Sobel
Cusack	Holloway	Peterman	Stansel
Detert	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wishner
Gannon	Kendrick	Romeo	

Rep. Byrd made a clarification of motion and the House revoted by voice vote for the previous question on the amendment to the amendment, amendment, and the bill, which was agreed to.

The question recurred on the adoption of **House Amendment 1 to Senate Amendment 1**, which was adopted. The vote was:

Session Vote Sequence: 536

Yeas—70

The Chair	Brummer	Harrell	Melvin
Alexander	Byrd	Harrington	Miller
Allen	Cantens	Hart	Murman
Andrews	Carassas	Hogan	Needelman
Arza	Clarke	Johnson	Negron
Attkisson	Crow	Jordan	Paul
Atwater	Davis	Kallinger	Pickens
Baker	Diaz de la Portilla	Kilmer	Prieguez
Ball	Diaz-Balart	Kottkamp	Rubio
Barreiro	Dockery	Kravitz	Russell
Baxley	Farkas	Kyle	Simmons
Bean	Fasano	Lacasa	Sorensen
Bennett	Flanagan	Littlefield	Spratt
Bense	Gardiner	Lynn	Trovillion
Benson	Gibson	Mack	Wallace
Berfield	Goodlette	Mahon	Waters
Bilirakis	Green	Maygarden	
Bowen	Haridopolos	Mealor	

Nays—44

Ausley	Gelber	Kosmas	Ryan
Bendross-Mindingall	Gottlieb	Lee	Seiler
Betancourt	Greenstein	Lerner	Siplin
Brutus	Harper	Machek	Slosberg
Bucher	Henriquez	McGriff	Smith
Bullard	Heyman	Meadows	Sobel
Cusack	Holloway	Peterman	Stansel
Detert	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner

On motion by Rep. Negron, the House concurred in Senate Amendment 1, as amended. The question recurred on the passage of CS/HB 271. The vote was:

Session Vote Sequence: 537

Yeas—69

The Chair	Bowen	Harrington	Miller
Alexander	Brummer	Hart	Murman
Allen	Byrd	Hogan	Needelman
Andrews	Cantens	Johnson	Negron
Argenziano	Carassas	Jordan	Paul
Arza	Davis	Kallinger	Pickens
Attkisson	Diaz de la Portilla	Kilmer	Prieguez
Atwater	Diaz-Balart	Kottkamp	Rubio
Baker	Dockery	Kravitz	Russell
Ball	Farkas	Kyle	Simmons
Barreiro	Fasano	Lacasa	Sorensen
Baxley	Flanagan	Littlefield	Spratt
Bean	Gardiner	Lynn	Trovillion
Bennett	Gibson	Mack	Wallace
Bense	Goodlette	Mahon	Waters
Benson	Green	Maygarden	
Berfield	Haridopolos	Mealor	
Bilirakis	Harrell	Melvin	

Nays—46

Ausley	Gannon	Kosmas	Seiler
Bendross-Mindingall	Gelber	Lee	Siplin
Betancourt	Gottlieb	Lerner	Slosberg
Brutus	Greenstein	Machek	Smith
Bucher	Harper	McGriff	Sobel
Bullard	Henriquez	Meadows	Stansel
Clarke	Heyman	Peterman	Weissman
Crow	Holloway	Rich	Wiles
Cusack	Jennings	Richardson	Wilson
Detert	Joyner	Ritter	Wishner
Fields	Justice	Romeo	
Frankel	Kendrick	Ryan	

Votes after roll call:

Yeas to Nays—Argenziano

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

Recessed

The House recessed at 6:34 p.m., to reconvene at 6:45 p.m. today, or upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 7:00 p.m. A quorum was present [Session Vote Sequence: 538].

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/CS/HB 269, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/CS/HB 269—A bill to be entitled An act relating to school district best financial management practices reviews; creating the “Sharpening the Pencil Act”; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation

with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the "Seal of Best Financial Management"; establishing requirements relating to status reports; requiring OPPAGA to review a district's status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the "Seal of Best Financial Management"; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. *Short title.*—*This act may be cited as the "Sharpening the Pencil Act."*

Section 2. Section 230.23025, Florida Statutes, as amended by chapters 97-384, 98-225, 2000-235, and 2000-291, Laws of Florida, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(1) *The purpose of best financial management practices reviews is to improve Florida school district management and use of resources and to identify cost savings. The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, OPPAGA and the Auditor General shall assist OPPAGA in examining jointly examine district operations to determine whether they meet "best financial management practices."*

(2) *The best financial management practices adopted by the Commissioner of Education may be updated periodically after consultation with the Legislature, the Governor, the SMART Schools Clearinghouse, the Department of Education, school districts, OPPAGA, and the Auditor General, OPPAGA shall submit to the Commissioner of Education for review and adoption proposed revisions to the best financial management practices adopted by the commissioner. The best financial management practices, at a minimum, must instill public confidence by addressing the school district's use of resources; identifying ways that the district could save funds; and improving districts' performance accountability systems, including public accountability. To achieve these objectives, best practices shall be developed for, but need not be limited to, the following areas:*

- (a) *Management structures.*
- (b) *Performance accountability.*
- (c) *Efficient delivery of educational services, including instructional materials.*

- (d) *Administrative and instructional technology.*
- (e) *Personnel systems and benefits management.*
- (f) *Facilities construction.*
- (g) *Facilities maintenance.*
- (h) *Student transportation.*
- (i) *Food service operations.*
- (j) *Cost control systems, including asset management, risk management, financial management, purchasing, internal auditing, and financial auditing.*

In areas for which the commissioner has not adopted best practices, OPPAGA may develop additional best financial management practices, with input from a broad range of stakeholders. OPPAGA shall present any additional best practices to the commissioner for review and adoption. Revised best financial management practices adopted by the commissioner must be used in the next year's scheduled school district reviews conducted according to this section.

~~(a) Efficient use of resources, use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits, instructional materials, and administrative and instructional technology.~~

~~(b) Compliance with generally accepted accounting principles and state and federal laws relating to financial management.~~

~~(c) Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decisionmaking.~~

~~(d) Cost control systems, including asset, risk, and financial management, purchasing, and information system controls.~~

~~(e) Safety and security practices at the district and school levels.~~

~~(2) School districts may, by a unanimous vote of the membership of the school board, apply to OPPAGA for a complete best financial management practice review or a review of components of the best financial management practices, including management, personnel, transportation, and food and nutrition services. OPPAGA shall prioritize districts for review based on their growth rates and demonstrated need for review. The director of OPPAGA may, at his or her discretion, contract with private consultants to perform part or all of the review of any district. Districts applying for a complete review shall contribute 50 percent of review costs, unless funding for the entire cost of the review is specifically provided by the Legislature. Districts applying for a review of a component shall contribute 75 percent of the review cost. All moneys contributed by any school district under this section toward the cost of a complete or component best financial management practices review of the district shall be deposited into the Florida School District Review Trust Fund administered by OPPAGA.~~

(3) *OPPAGA shall contract with a private firm selected through a formal request for proposal process to perform the review, to the extent that funds are provided for this purpose in the General Appropriations Act each year. When sufficient funds are not provided to contract for all the scheduled best financial management practices reviews, OPPAGA shall conduct the remaining reviews scheduled for that year, except as otherwise provided in this act. At least one member of the private firm review team shall have expertise in school district finance. The scope of the review shall focus on the best practices adopted by the Commissioner of Education, pursuant to subsection (2). OPPAGA may include additional items in the scope of the review after seeking input from the school district and the Department of Education.*

(4) *OPPAGA shall consult with the Commissioner of Education throughout the best practices review process to ensure that the technical expertise of the Department of Education benefits the review process and supports the school districts before, during, and after the review.*

(5) *It is the intent of the Legislature that each school district shall be subject to a best financial management practices review. The Legislature*

also intends that all school districts shall be reviewed on a continuing 5-year cycle, as follows, unless specified otherwise in the General Appropriations Act, or as provided in this act:

(a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa, Alachua, St. Lucie, Santa Rosa, Hernando, Indian River, Monroe, Osceola, and Bradford.

(b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia, Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden, and Franklin.

(c) Year 3: Palm Beach, Orange, Seminole, Lee, Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie, Liberty, and Lafayette.

(d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay, Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee, Hardee, DeSoto, and Glades.

(e) Year 5: Broward, Polk, Brevard, Lake, St. Johns, Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes, Washington, and Calhoun.

(6)(a) The Joint Legislative Auditing Committee may adjust the schedule of districts to be reviewed when unforeseen circumstances prevent initiation of reviews scheduled in a given year.

(b) Once the 5-year cycle has been completed, reviews shall continue, beginning again with those districts included in year one of the cycle unless a district has requested and received a waiver as provided in subsection (17).

(7) At the direction of the Joint Legislative Auditing Committee or the President of the Senate and the Speaker of the House of Representatives, and subject to funding by the Legislature, OPPAGA may conduct, or contract with a private firm to conduct, up to two additional best financial management practices reviews in districts not scheduled for review during that year if such review is necessary to address adverse financial conditions.

(8) Reviews shall be conducted by OPPAGA and the consultant to the extent specifically funded by the Legislature in the General Appropriations Act for this purpose. Such funds may be used for the cost of reviews by OPPAGA and private consultants contracted by the director of OPPAGA. Costs may include professional services, travel expenses of OPPAGA and staff of the Auditor General, and any other necessary expenses incurred as part of a best financial management practices review.

(9) Districts scheduled for review must complete a self-assessment instrument provided by OPPAGA which indicates the school district's evaluation of its performance on each best practice. The district must begin the self-assessment not later than 60 days prior to the commencement of the review. The completed self-assessment instrument and supporting documentation must be submitted to OPPAGA not later than the date of commencement of the review as notified by OPPAGA. The best practice review team will use this self-assessment information during their review of the district.

(10) During the review, OPPAGA and the consultant conducting the review, if any, shall hold at least one advertised public forum as part of the review in order to explain the best financial management practices review process and obtain input from students, parents, the business community, and other district residents regarding their concerns about the operations and management of the school district.

(11)(3) District reviews conducted under this section must be completed within 6 months after commencement. OPPAGA shall issue a final report to the President of the Senate, the Speaker of the House of Representatives, and the district regarding the district's use of best financial management practices and cost savings recommendations within 60 days after completing the reviews. Copies of the final report shall be provided to the Governor, the Commissioner of Education, and to the chairs of school advisory councils and district advisory councils established pursuant to s. 229.58(1)(a) and (b). The school district shall notify all members of the school advisory councils and district advisory council by mail that the final report has been delivered to the school

district and to the council chairs. The notification shall also inform members of the OPPAGA web site address at which an electronic copy of the report is available.

(12) After receipt of the final report and before the school board votes whether to adopt the action plan, or if no action plan was required because the district was found to be using the best practices, the school district shall hold an advertised public forum to accept public input and review the findings and recommendations of the report. The district shall advertise and promote this forum in a manner appropriate to inform school and district advisory councils, parents, school district employees, the business community, and other district residents of the opportunity to attend this meeting. OPPAGA and the consultant, if any, shall also be represented at this forum.

(13)(a) If the district is found not to conform to best financial management practices, the report must contain an ~~a plan of~~ action plan detailing how the district could meet the best practices within 2 years. The school board must decide, by a majority plus one vote within 90 days after receipt of the final report, whether or not to implement the action plan and pursue a "Seal of Best Financial Management" awarded by the State Board of Education to qualified school districts. If a district fails to vote on the action plan within 90 days, school board members may be required to appear and present testimony before a legislative committee, pursuant to s. 11.143.

(b) The school board may vote to reverse a decision not to implement an action plan, provided that the action plan is implemented and there is still sufficient time, as determined by the district school board, to meet the best practices within 2 years after issuance of the final report.

(c) Within 90 days after the receipt of the final report, the school board must notify OPPAGA and the Commissioner of Education in writing of the date and outcome of the school board vote on whether to adopt the action plan. If the school board fails to vote on whether to adopt the action plan, the superintendent must notify OPPAGA and the Commissioner of Education. The Department of Education may contact the school district, assess the situation, urge the school board to vote, and offer technical assistance, if needed.

(14)(4) If a school board votes to implement the action plan:

(a) No later than 1 year after receipt of the final report, the school district must ~~District school boards that agree by a majority plus one vote to institute the action plan shall~~ submit an initial status annual report to the President of the Senate, the Speaker of the House of Representatives, the Legislature, the Governor, the ~~SMART Schools Clearinghouse~~, OPPAGA, the Auditor General, the State Board of Education, and the Commissioner of Education on progress made towards implementing the action plan and whether changes have occurred in other areas of operation that ~~which~~ would affect compliance with the best practices.

(b) A second status report must be submitted by the school district to the President of the Senate, the Speaker of the House of Representatives, the Governor, OPPAGA, the Auditor General, the Commissioner of Education, and the State Board of Education no later than 1 year after submission of the initial report.

Status reports are not required once OPPAGA concludes that the district is using best practices. ~~Such districts shall be reviewed annually by OPPAGA, in addition to the annual financial audit required under s. 11.45, to determine whether they have attained compliance with the best financial management practices in the areas covered by the plan.~~

(15) After receipt of each of a district's two status reports required by subsection (14), OPPAGA shall assess the district's implementation of the action plan and progress toward implementing the best financial management practices in areas covered by the plan. Following each assessment, OPPAGA shall issue a report to the President of the Senate, the Speaker of the House of Representatives, and the district indicating whether the district has successfully implemented the best financial management practices. Copies of the report must be provided to the Governor, the Auditor General, the Commissioner of Education, and the State Board of Education. If a district has failed to implement an action

plan adopted pursuant to subsection (13), school board members and the school superintendent may be required to appear before a legislative committee, pursuant to s. 11.143, to present testimony regarding the district's failure to implement such action plan.

(16) School districts that successfully implement the best financial management practices within 2 years, or are determined in the review to be using the best practices, are eligible to receive a "Seal of Best Financial Management." Upon notification to the Commissioner of Education and the State Board of Education by OPPAGA that a district has been districts that are found to be using comply with the best financial management practices, the State Board of Education shall award that district shall receive a "Seal of Best Financial Management" by the State Board of Education certifying that the district is adhering to the state's best financial management practices. The State Board of Education This designation shall be effective for 5 years from the certification date or until the next review is completed, whichever is later a 5 year period, after which the district school board may reapply for the designation to be granted after another financial management practice review. During the designation period, the district school board shall annually, not later than the anniversary date of the certification, notify the SMART Schools Clearinghouse, OPPAGA, the Auditor General, the Commissioner of Education, and the State Board of Education of any changes in policies or operations or any other situations that would not conform to the state's best financial management practices. The State Board of Education may revoke the designation of a district at any time if it determines that a district is no longer complying with the state's best financial management practices. If no such changes have occurred and the school board determines that the school district continues to conform to the best financial management practices, the school board shall annually report that information to the State Board of Education, with copies to OPPAGA, the Auditor General, and the Commissioner of Education.

(17)(a) The school board of a district that has been awarded a "Seal of Best Financial Management" by the State Board of Education and has annually reported to the State Board of Education that the district is still conforming to the best financial management practices may request a waiver from undergoing its next scheduled Best Financial Management Practices review.

(b) To apply for such waiver, not later than September 1 of the fiscal year prior to the fiscal year in which the district is next scheduled for review, the school board shall certify to OPPAGA and the Department of Education the school board's determination that the school district is still conforming to the best financial management practices.

(c) After consultation with the Department of Education and review of the school board's determination, OPPAGA may recommend to the Legislative Budget Commission that the district be granted a waiver for the next scheduled Best Financial Management Practices review. If approved for waiver, OPPAGA shall notify the school district and the Department of Education that no review of that district will be conducted during the next scheduled review cycle. In that event, the school district must continue annual reporting to the State Board of Education as required in subsection (16). Districts granted a waiver for one review cycle are not eligible for waiver of the next scheduled review cycle.

(18) School districts that receive a best financial management practices review must maintain records that will enable independent verification of the implementation of the action plan and any related fiscal impacts.

(19) Unrestricted cost savings resulting from implementation of the best financial management practices must be spent at the school and classroom levels for teacher salaries, teacher training, improved classroom facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities. Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program.

(5) Any audit or performance review of one or more of the designated components conducted or supervised by OPPAGA or the Department of Management Services, and completed within 2 years before the date of

application to OPPAGA for a best financial practices review, may serve as all or part of the audit or review required as the examination of district operations necessary for a determination of whether a district meets the "best financial management practices" designation. The cost contribution requirements of subsection (2) do not apply to any such audit or performance review.

Section 3. Section 11.515, Florida Statutes, is repealed.

Section 4. Section 230.2302, Florida Statutes, is repealed.

Section 5. Section 230.23026, Florida Statutes, is repealed.

Section 6. Subsection (1) of section 11.51, Florida Statutes, is amended to read:

11.51 Office of Program Policy Analysis and Government Accountability.—

(1) There is hereby created the Office of Program Policy Analysis and Government Accountability as a unit of the Office of the Auditor General appointed pursuant to s. 11.42. The Such office shall perform independent examinations, program reviews, and other projects as provided by general law, as provided by concurrent resolution, or as directed by the Legislative Auditing Committee, and shall provide recommendations, training, or other services to assist the Legislature program evaluation and justification reviews as required by s. 11.513 and performance audits as defined in s. 11.45 and shall contract for performance reviews of school districts pursuant to ss. 11.515 and 230.2302.

Section 7. Subsection (4) of section 230.23027, Florida Statutes, is amended to read:

230.23027 Small School District Stabilization Program.—

(4) Effective July 1, 2000, and thereafter, when the Office of Tourism, Trade, and Economic Development authorizes a school district to participate in the program, the Legislature may give priority to that district for a best financial management practices review in the school district, subject to approval pursuant to s. 230.23025(7) as authorized in s. 11.515, to the extent that funding is provided annually for such purpose in the General Appropriations Act. The scope of the review shall be as set forth in s. 230.23025 s. 11.515.

Section 8. Subsection (1) of section 233.43, Florida Statutes, is amended to read:

233.43 Duties of superintendent relating to instructional materials.—

(1) The duties and responsibilities of each superintendent of schools for the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials shall be prescribed by policies of the district school board. Such policies shall also provide for an evaluation of any instructional materials to be requisitioned that have not been used previously in the schools of the district. The duties and responsibilities include keeping adequate records and accounts for all financial transactions for funds collected pursuant to s. 233.46(4). Such records and accounts shall be a component of the educational service delivery scope in a school district best financial management practices review under s. ss. 11.515 and 230.23025.

Section 9. Paragraph (a) of subsection (2) of section 235.2197, Florida Statutes, is amended to read:

235.2197 Florida Frugal Schools Program.—

(2) The "Florida Frugal Schools Program" is created to recognize publicly each district school board that agrees to build frugal yet functional educational facilities and that implements "best financial management practices" when planning, constructing, and operating educational facilities. The State Board of Education shall recognize a district school board as having a Florida Frugal Schools Program if the

district requests recognition and satisfies two or more of the following criteria:

(a) The district receives a “Seal of Best Financial Management” as provided in s. 230.23025 or implements best financial management practices applicable to in the area of educational facilities as evidenced by a ~~partial~~ review under s. 230.23025 ~~s. 230.2302~~.

Section 10. *Land Acquisition and Facilities Advisory Board.*—

(1) *The Legislature recognizes that effective land acquisition and facilities operations are essential components of Florida district school boards’ ability to provide facilities to accommodate the growing student population in the state. To support and assist the school districts, it is appropriate for the Legislature to make advisory resources available to aid districts in meeting those needs.*

(2) *If the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA) or the Auditor General determines in a review or examination that significant deficiencies exist in a school district’s land acquisition and facilities operational processes, he or she shall certify to the President of Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and the Governor that the deficiency exists. The Legislative Budget Commission shall determine whether funds for the school district will be placed in reserve until the deficiencies are corrected.*

(3) *After receipt of that certification, the President of the Senate, the Speaker of the House of Representatives, and the Governor shall name a Land Acquisition and Facilities Advisory Board to provide expert advice and assist in improving the district’s land acquisition and facilities operational processes. Each Land Acquisition and Facilities Advisory Board shall consist of seven members and shall possess specific expertise needed to assist the school district in improving its deficient processes. The President of the Senate and the Speaker of the House shall each appoint two members, and the Governor shall appoint three members of the advisory board. Membership of each advisory board may be different for each district. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in accordance with section 112.061, Florida Statutes.*

(4) *Within 30 days of its formation, the Land Acquisition and Facilities Advisory Board shall convene in the district and make all reasonable efforts to help the district correct deficiencies noted in the examination or audit of the district. The district must cooperate with the advisory board and provide information as requested.*

(5) *Within 60 days of convening, the Land Acquisition and Facilities Advisory Board shall assess the district’s progress and corrective actions and report to the Commissioner of Education. The advisory board’s report must address the release of any funds placed in reserve by the Executive Office of the Governor. Any recommendation from the advisory board for the release of funds shall include a certification that policies established, procedures followed, and expenditures made by the school board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action and address recommendations made by the Office of Program Policy Analysis and Government Accountability and the Auditor General. If the advisory board does not recommend release of the funds held in reserve they shall provide additional assistance and submit a subsequent report 60 days after the previous report.*

(6) *Upon certification by the advisory board that corrective action has been taken, each Land Acquisition and Facilities Advisory Board shall be disbanded.*

Section 11. Paragraph (b) of subsection (22) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(22) “Educational facility” means:

(b) Property that comprises the buildings and equipment, structures, and special education use areas that are built, installed, or established to serve primarily the educational purposes of operating any nonprofit private preschool, kindergarten, elementary school, middle school, or high school that is established under chapter 617 or chapter 623, or that is owned or operated by an organization described in s. 501(c)(3) of the United States Internal Revenue Code, *or operating any preschool, kindergarten, elementary school, middle school, or high school that is owned or operated as part of the state’s system of public education, including, but not limited to, a charter school or a developmental research school operated under chapter 228.* The requirements of this part for the financing of projects through local agencies shall also apply to such schools. Bonds issued under the provisions of this part for such schools shall not be deemed to constitute a debt, liability, or obligation of the state or any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision, but shall be payable solely from the revenues provided therefor.

Section 12. Section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(1) AUTHORIZATION.—The creation of charter schools is hereby authorized. Charter schools shall be part of the state’s program of public education. All charter schools in Florida are fully recognized as public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. *A public school may not use the term charter in its name unless it has been approved under this section.*

(2) PURPOSE.—The purpose of charter schools shall be to:

(a) Improve student learning.

(b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.

(c) Encourage the use of different and innovative learning methods.

(d) Increase choice of learning opportunities for students.

(e) Establish a new form of accountability for schools.

(f) Require the measurement of learning outcomes and create innovative measurement tools.

(g) Make the school the unit for improvement.

(h) Create new professional opportunities for teachers, including the opportunity to own the learning program at the school site.

(i) *Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.*

(j) *Provide additional academic choices for parents and students.*

(k) *Expand the capacity of the public school system.*

(3) APPLICATION; UNLAWFUL REPRISAL.—

(a)1. An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

2. The district school board or the principal, teachers, parents, and/or the school advisory council at an existing public school *that has been in operation for at least 2 years prior to the application to convert*, including a public school-within-a-school that is designated as a school by the district school board, shall submit any application for converting the school to a charter school. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to procedures established by rules of the state board. *A district school board denying an application for a conversion charter school shall provide notice of denial to the*

applicants in writing within 30 days after the meeting at which the school board denied the application. The notice must specify the exact reasons for denial and must provide documentation supporting those reasons. A private school, parochial school, or home education program shall not be eligible for charter school status.

(b) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in this subsection, the term "unlawful reprisal" means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee's position absent of a reduction in force as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal which occurs as a consequence of an employee's direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after a reprisal prohibited by this subsection, an employee may file a complaint with the Department of Education.

2. Within 3 working days after receiving a complaint under this section, the department shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.

3. If the department determines that the complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the department shall conduct an investigation to produce a fact-finding report.

4. Within 90 days after receiving the complaint, the department shall provide the superintendent of schools of the complainant's district and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

5. If the department determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the department shall terminate the investigation. Upon termination of any investigation, the department shall notify the complainant and the superintendent of schools of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.

6. The department shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint for which the department determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial persons. Upon hearing the complaint, the panel must make findings of fact and conclusions of law for a final decision by the department.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.

(c) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful

reprisal has occurred, is occurring, or is to be taken, the relief must include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.

2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.

4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome on the complaint, if it is determined that the action was not made in bad faith or for a wrongful purpose, and did not occur after a district school board's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency.

(4) SPONSOR.—A district school board may sponsor a charter school in the county over which the board has jurisdiction.

(a) A district school board shall receive and review all applications for a charter school. A district school board shall receive and consider charter school applications received on or before October 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the district school board. A district school board may receive applications later than this date if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.

1. In order to facilitate an accurate budget projection process, a district school board shall be held harmless for FTE students which are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a district school board or other sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. A district school board must by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board must by a majority vote approve or deny the application. If the district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (b). If an application is denied, the district school board must, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter application.

3. For budget projection purposes, the district school board or other sponsor shall report to the department the approval or denial of a charter application within 10 calendar days after such approval or denial. In the event of approval, the report to the department must include the final projected FTE for the approved charter school.

4. Upon approval of a charter application, the initial startup must commence ~~be consistent~~ with the beginning of the public school calendar for the district in which the charter is granted unless the district school board allows a waiver of this provision for good cause.

(b) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of

Education no later than 30 calendar days after receipt of the district school board's decision or failure to act and shall notify the district school board of its appeal. Any response of the school board shall be submitted to the state board within 30 calendar days after notification of the appeal. The state board must by majority vote accept or reject the decision of the district school board no later than 60 calendar days after an appeal is filed in accordance with state board rule. The state board may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the school board's denial of the charter application ~~the school board denial~~. The state board shall remand the application to the district school board with its written recommendation that the district board approve or deny the application consistent with the state board's decision. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

(c) The district school board must act upon the recommendation of the State Board of Education within 30 calendar days after it is received. The district board may fail to act in accordance with the recommendation of the state board only for good cause. Good cause for failing to act in accordance with the state board's recommendation arises only if the district school board determines by competent substantial evidence that approving the state board's recommendation would be contrary to law or contrary to the best interests of the pupils or the community. The district school board must articulate in written findings the specific reasons based upon good cause supporting its failure to act in accordance with the state board's recommendation. The district board's action on the state board's recommendation is a final action subject to judicial review.

(d) The Department of Education may provide technical assistance to an applicant upon written request.

(e) Paragraph (a) notwithstanding, a state university may grant a charter to a developmental research school created under s. 228.053. In considering such charter, the state university must consult with the district school board of the county in which the developmental research school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(f) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The applicant and sponsor shall have 6 months in which to mutually agree to the provisions of the charter. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application *and for any dispute relating to the approved charter*, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge may rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.

(g) The sponsor shall monitor and review the charter school in its progress towards the goals established in the charter.

(h) The sponsor shall monitor the revenues and expenditures of the charter school.

(i) A charter school shall be exempt from the sponsor's policies.

(5) *CHARTER SCHOOL COOPERATIVES.*—Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide the following services: charter school planning and development, direct instructional services, contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

(6)(5) NUMBER OF SCHOOLS.—

(a) The number of newly created charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20 in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students.

(b) An existing public school which converts to a charter school shall not be counted towards the limit established by paragraph (a).

Notwithstanding any limit established by this subsection, a district school board or a charter school applicant shall have the right to request an increase of the limit on the number of charter schools authorized to be established within the district from the State Board of Education.

(7)(6) ELIGIBLE STUDENTS.—

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a developmental research school created under s. 228.053 to which a charter has been issued under paragraph (4)(e), the charter school shall be open to any student eligible to attend the developmental research school as provided in s. 228.053 or who resides in the school district in which the charter school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school. A charter school may give enrollment preference to a sibling of a student enrolled in the charter school, to the child of a member of the governing board of the charter school, or to the child of an employee of the charter school.

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.

(c) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.
2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.
3. Students enrolling in a charter school-in-the-workplace or *charter school-in-a-municipality* established pursuant to subsection (22).
4. Students residing within a reasonable distance of the charter school, as described in paragraph (13)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (9)(a)8. or any federal provisions which require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. *Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards must be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.*

6. *Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools which has been approved by the sponsor.*

(d) A student may withdraw from a charter school at any time and enroll in another public school as determined by school board policy.

(e) Students with handicapping conditions and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(f) *The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection.*

(8)(7) **LEGAL ENTITY.**—A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a “covered group” under s. 121.021(34). If a charter school participates in the Florida Retirement System, the charter school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.

(9)(8) **REQUIREMENTS.**—

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) A charter school shall admit students as provided in subsection (6).

(c) A charter school shall be accountable to its sponsor for performance as provided in subsection (9).

(d) A charter school shall not charge tuition or fees, except those fees normally charged by other public schools. However, a developmental research school to which a charter has been issued pursuant to paragraph (4)(e) may charge a student activity and service fee as authorized by s. 228.053(5).

(e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.

(f) A charter school shall not violate the antidiscrimination provisions of s. 228.2001.

(g) A charter school shall be subject to an annual financial audit in a manner similar to that of a school district.

(h) No organization shall hold more than 15 charters statewide.

(i) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records which constitute their accounting system:

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled “Financial and Program Cost Accounting and Reporting for Florida Schools”; or:

2. *At the discretion of the charter school governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.*

Charter schools are to provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 236.02(1). Charter schools which are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent, but must reformat this information for reporting according to this paragraph.

(j) *The governing board of the charter school shall annually adopt and maintain an operating budget.*

(10)(9) **CHARTER.**—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address, and criteria for approval of the charter shall be based on:

1. The school’s mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed, *and identification and acquisition of appropriate technologies needed to improve educational and administrative performance. This must include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.*

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. This section shall include a detailed description for each of the following:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

d. *The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.*

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. *Included in the methods is a means for ensuring accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs.* Students in charter schools shall, at a minimum, participate in the statewide assessment program.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 232.246.

6. A method for resolving conflicts between the governing body of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school’s code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services *and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included.* Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. *A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses;*

plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

11. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 3, 4, or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the local school board. A developmental research school is eligible for a charter for a term of up to 15 years issued by a state university pursuant to paragraph (4)(e). In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 10-year charter, subject to approval by the local school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only for specific good cause according to the provisions set forth in subsection (10).

12. The facilities to be used and their location.

13. The qualifications to be required of the teachers *and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.*

14. The governance structure of the school, including the status of the charter school as a public or private employer as required in subsection (7).

15. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

16. In the case of an existing public school being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or school board policy in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a developmental research school to which a charter has been issued pursuant to paragraph (4)(e), except as authorized by the employment policies of the state university which grants the charter to the developmental research school.

(b) A charter may be renewed every 5 school years, provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (10)(a) have been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 2 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school governing board and the approval of both parties to the agreement.

(d) The governing body of the charter school shall *exercise continuing oversight over charter school operations and make annual progress reports to its sponsor, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports.* The report shall contain at least the following information:

1. The charter school's progress towards achieving the goals outlined in its charter.

2. The information required in the annual school report pursuant to s. 229.592.

3. Financial records of the charter school, including revenues and expenditures.

4. Salary and benefit levels of charter school employees.

(e) A sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 229.591.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the state assessment program, versus comparable public school students in the district as determined by the state assessment program currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

(g) Whenever a municipality has submitted charter applications for the establishment of a charter school feeder pattern (elementary, middle, and senior high schools), and upon approval of each individual charter application by the district school board, such applications will then be designated as one charter for all purposes listed pursuant to this section.

~~(11)(4)~~ CAUSES FOR NONRENEWAL OR TERMINATION.—

(a) At the end of the term of a charter, the sponsor may choose not to renew the charter for any of the following grounds:

1. Failure to meet the requirements for student performance stated in the charter.

2. Failure to meet generally accepted standards of fiscal management.

3. Violation of law.

4. Other good cause shown.

(b) During the term of a charter, the sponsor may terminate the charter for any of the grounds listed in paragraph (a).

(c) At least 90 days prior to renewing or terminating a charter, the sponsor shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within 14 calendar days after receiving the notice, request an informal hearing before the sponsor. The sponsor shall conduct the informal hearing within 30 calendar days after receiving a written request. The charter school's governing body may, within 14 calendar days after receiving the sponsor's decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established in subsection (4).

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The school district in which the charter school is located shall assume operation of the school under these circumstances. *The charter school's governing board may, within 14 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (4).*

(e) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered *public* funds from the charter school shall revert to the district school board. In the event a charter school is dissolved or is otherwise terminated, all district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school

board, subject to complete satisfaction of any lawful liens or encumbrances.

(f) If a charter is not renewed or is terminated, the *charter school governing body of the school* is responsible for all debts of the charter school. The district may not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the district.

(g) If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall be enrolled in, another public school. Normal application deadlines shall be disregarded under such circumstances.

(12)(41) EXEMPTION FROM STATUTES.—A charter school shall operate in accordance with its charter and shall be exempt from all statutes of the Florida School Code, except those specifically applying to charter schools; those pertaining to the provision of services to students with disabilities; those pertaining to civil rights, including s. 228.2001, relating to discrimination; and those pertaining to student health, safety, and welfare; or as otherwise required by this section. A charter school shall not be exempt from the following statutes: chapter 119, relating to public records, and s. 286.011, relating to public meetings and records, public inspection, and penalties. The *charter school's governing board sponsor, upon request of a charter school*, may apply to the Commissioner of Education for a waiver of provisions of chapters 230-239 which are applicable to charter schools under this section, except that the provisions of chapter 236 or chapter 237 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. *The Commissioner of Education must confirm receipt of a waiver request from a charter school by providing a copy of the request to the sponsor.* The commissioner may grant the waiver if necessary to implement the school program and shall provide notice of the final dispensation of the waiver request to the charter school governing board and the charter school's sponsor.

(13)(42) EMPLOYEES OF CHARTER SCHOOLS.—

(a) A charter school shall select its own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor.

(b) Charter school employees shall have the option to bargain collectively. Employees may collectively bargain as a separate unit or as part of the existing district collective bargaining unit as determined by the structure of the charter school.

(c) The employees of a conversion charter school shall remain public employees for all purposes, unless such employees choose not to do so.

(d) The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own. Under this arrangement, the teachers would not be public employees.

(e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a school board from approving alternative leave arrangements consistent with chapter 231.

(f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 231. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter

231, and as provided by State Board of Education rule for charter school governing boards. A charter school may not *knowingly* employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

(g) A charter school shall employ or contract with employees who have been fingerprinted as provided in s. 231.02. Members of the governing board of the charter school shall also be fingerprinted in a manner similar to that provided in s. 231.02.

(14)(13) REVENUE.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a chartered developmental research school shall be as provided in s. 228.053(9).

(a) Each charter school shall report its student enrollment to the district school board as required in s. 236.081, and in accordance with the definitions in s. 236.013. The district school board shall include each charter school's enrollment in the district's report of student enrollment. *All charter schools submitting student record information required by the Department of Education shall comply with the department's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the department's electronic format.*

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from 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; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school will 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 charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of chapter 234. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.

(e) Any administrative fee charged by the school district relating to a charter school shall be limited to 5 percent of the available funds as defined in paragraph (b) *not including capital outlay funds, federal and state grants, or any other funds unless explicitly provided by law.* The

sponsor shall provide certain administrative and educational services to charter schools at no additional fee. These services shall include contract management services, FTE and data reporting, exceptional student education administration, test administration, processing of teacher certificate data, and information services.

(f) School boards shall make every effort to ensure that charter schools receive timely and efficient reimbursement, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys must be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment is not issued within 30 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 30-day period until such time as the warrant is issued.

(g) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter organizers shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. *The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.*

(h) If other goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(15)(44) IMMUNITY.—For the purposes of tort liability, the governing body and employees of a charter school shall be governed by s. 768.28.

(16)(45) LENGTH OF SCHOOL YEAR.—A charter school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(17)(46) FACILITIES.—

(a) A charter school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 235.26 or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025, as adopted by the authority in whose jurisdiction the facility is located.

(b) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (9), shall be exempt from ad valorem taxes pursuant to s. 196.1983.

(c) After January 1, 2001, charter school facilities shall utilize facilities which comply with the Florida Building Code, pursuant to chapter 553, and the Florida Fire Prevention Code, pursuant to chapter 633.

(18)(47) INITIAL COSTS.—A sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

(19)(48) INFORMATION.—The Department of Education shall provide information to the public, directly and through sponsors, both on how to form and operate a charter school and on how to enroll in charter schools once they are created. This information shall include a standard application format which shall include the information specified in subsection (9). This application format may be used by chartering entities.

(20)(49) GENERAL AUTHORITY.—A charter school shall not levy taxes or issue bonds secured by tax revenues.

(21)(20) REVIEW.—

(a) The Department of Education shall regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools. The composition of the review panel shall include individuals with experience in finance, administration, law, education, and school governance, and individuals familiar with charter school construction and operation. The panel shall include two appointees each from the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall appoint three members of the panel and shall designate the chair. Each member of the panel shall serve a 1-year term, unless renewed by the office making the appointment. The panel shall make recommendations to the Legislature, to the Department of Education, to charter schools, and to school districts for improving charter school operations and oversight and for ensuring best business practices at and fair business relationships with charter schools.

(b) The Legislature shall review the operation of charter schools during the 2005 Regular Session of the Legislature.

(22)(21) RULEMAKING.—The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute.

(23)(22) CHARTER SCHOOLS-IN-THE-WORKPLACE, *CHARTER SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS IN-A-MUNICIPALITY*.—

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, to encourage developers of residential and other projects to provide school infrastructure concurrent with school impacts, to promote and encourage local communities to participate in and advance the cause of neighborhood schools, and to offset the high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery which involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (9)(a)8. Any portion of the land and facility used for a public charter school shall be exempt from ad

valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(d) As used in this subsection, the terms "business partner," "employer," "developer," or "municipality" may include more than one business, employer, developer, or municipality to form a charter school-in-the-workplace, charter school-in-a-development, or charter school-in-a-municipality.

Section 13. Subsection (1) of section 228.0561, Florida Statutes, is amended to read:

228.0561 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 228.056 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school's sponsor. Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge or if it is directly or indirectly operated by the school district. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 235.435(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which shall be calculated by averaging the results of the second and third enrollment surveys. *The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys. Sixty percent of the funds shall be distributed after the second enrollment survey, and the balance shall be distributed after the third enrollment survey. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment.* The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

Section 14. Paragraph (d) is added to subsection (3) of section 232.425, Florida Statutes, to read:

232.425 Student standards for participation in interscholastic extracurricular student activities; regulation.—

(3)

(d) An individual charter school student pursuant to s. 228.056 is eligible to participate at the public school to which the student would be assigned according to district school attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any interscholastic extracurricular activity of that school, unless such activity is provided by the student's charter school, if the following conditions are met:

1. *The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.*

2. *During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).*

3. *The charter school student must meet the same residency requirements as other students in the school at which he or she participates.*

4. *The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.*

5. *The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.*

6. *A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.*

7. *Any public school or nonpublic school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.*

Section 15. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to school district best financial management practices reviews; creating the "Sharpening the Pencil Act"; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing OPPAGA to complete reviews under certain circumstances; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; requiring consultation with the Commissioner of Education throughout the best-practices-review process; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; providing for district self-assessments; requiring public forums to review final reports; requiring copies of the final report issued by OPPAGA to be provided to additional entities; providing for electronic access to reports; requiring public meetings; revising provisions relating to eligibility for the "Seal of Best Financial Management"; establishing requirements relating to status reports; requiring OPPAGA to review a district's status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; clarifying provisions relating to the award of the "Seal of Best Financial Management"; providing for waiver of subsequent reviews under certain circumstances; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s.

11.51, F.S., revising duties of the Office of Program Policy Analysis and Government Accountability; amending s. 230.23027, F.S., relating to the Small School District Stabilization Program; conforming provisions to changes made by the act; amending s. 233.43, F.S., relating to duties of superintendent relating to instructional materials; conforming a cross-reference; amending s. 235.2197, F.S., relating to the Florida Frugal Schools Program; conforming cross-references; creating the Land Acquisition and Facilities Advisory Board; providing for appointment of members; providing a review process; providing for board dissolution; amending s. 159.27, F.S.; redefining the term "educational facility" for purposes of part II of ch. 159, F.S., the Florida Industrial Development Financing Act, to include charter schools and developmental research schools; amending s. 228.056, F.S.; providing requirements for conversion to charter schools; establishing new purposes for charter schools; prohibiting a sponsor from charging an application fee; removing a school board's ability to refuse to follow the recommendation of the State Board of Education for good cause in cases of charter-school appeals; permitting a charter school to admit students on the basis of artistic, academic, or other standards; revising requirements regarding the capacity of the charter school; granting a charter school's governing board the right to appeal a school board's decision to terminate a charter school; changing the procedure for granting a charter school an exemption from statutory provisions; revising the requirements for the staff of a charter school; revising procedures relating to the administrative fee charged by a school district; revising requirements for a charter school in the workplace; amending s. 228.0561, F.S.; revising procedures relating to funding for charter-school facilities; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school; providing an effective date.

On motion by Rep. Murman, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/CS/HB 269. The vote was:

Session Vote Sequence: 539

Yeas—117

The Chair	Carassas	Henriquez	Mealor
Alexander	Clarke	Heyman	Melvin
Allen	Crow	Hogan	Miller
Andrews	Cusack	Holloway	Murman
Argenziano	Davis	Jennings	Needelman
Arza	Detert	Johnson	Negron
Attkisson	Diaz de la Portilla	Jordan	Paul
Atwater	Diaz-Balart	Joyner	Peterman
Ausley	Dockery	Justice	Pickens
Baker	Farkas	Kallinger	Prieguez
Ball	Fasano	Kendrick	Rich
Barreiro	Fields	Kilmer	Richardson
Baxley	Flanagan	Kosmas	Ritter
Bean	Frankel	Kottkamp	Ross
Bendross-Mindingall	Gannon	Kravitz	Rubio
Bennett	Garcia	Kyle	Russell
Bense	Gardiner	Lacasa	Ryan
Benson	Gelber	Lee	Seiler
Berfield	Gibson	Lerner	Simmons
Betancourt	Goodlette	Littlefield	Siplin
Bilirakis	Gottlieb	Lynn	Slosberg
Bowen	Green	Machek	Smith
Brummer	Greenstein	Mack	Sobel
Brutus	Haridopolos	Mahon	Sorensen
Bucher	Harper	Mayfield	Spratt
Bullard	Harrell	Maygarden	Stansel
Byrd	Harrington	McGriff	Trovillion
Cantens	Hart	Meadows	Wallace

Waters	Wiles	Wilson	Wishner
Weissman			

Nays—None

Votes after roll call:

Yeas—Romeo

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1172, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senators Mitchell, Latvala, Clary and Smith—

CS for SB 1172—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., relating to multiple-employer welfare arrangements; authorizing the Department of Management Services to adopt rules; providing a declaration that the act fulfills important state interest; providing an effective date.

—was read the first time by title. On motion by Rep. Spratt, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 540

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Flanagan	Kravitz	Ryan
Barreiro	Frankel	Kyle	Seiler
Baxley	Gannon	Lacasa	Simmons
Bean	Garcia	Lee	Siplin
Bendross-Mindingall	Gardiner	Lerner	Slosberg
Bennett	Gelber	Littlefield	Smith
Bense	Gibson	Lynn	Sobel
Benson	Goodlette	Machek	Sorensen
Berfield	Gottlieb	Mack	Spratt
Betancourt	Green	Mahon	Stansel
Bilirakis	Greenstein	Mayfield	Trovillion
Bowen	Haridopolos	Maygarden	Wallace
Brummer	Harper	McGriff	Waters
Brutus	Harrell	Meadows	Weissman
Bucher	Harrington	Mealor	Wiles
Bullard	Hart	Melvin	Wilson
Byrd	Henriquez	Miller	Wishner
Cantens	Heyman	Murman	
Carassas	Hogan	Needelman	
Clarke	Holloway	Negron	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1624 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Commerce and Economic Opportunities and Senator King—

CS for CS for SB 1624—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Agency for Workforce Innovation; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the first time by title. On motion by Rep. Hart, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 541

Yeas—118

The Chair	Crow	Jennings	Paul
Alexander	Cusack	Johnson	Peterman
Allen	Davis	Jordan	Pickens
Andrews	Detert	Joyner	Prieguez
Argenziano	Diaz de la Portilla	Justice	Rich
Arza	Diaz-Balart	Kallinger	Richardson
Attkisson	Dockery	Kendrick	Ritter
Atwater	Farkas	Kilmer	Romeo
Ausley	Fasano	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Ball	Flanagan	Kravitz	Russell
Barreiro	Frankel	Kyle	Ryan
Baxley	Gannon	Lacasa	Seiler
Bean	Garcia	Lee	Simmons
Bendross-Mindingall	Gardiner	Lerner	Siplin
Bennett	Gelber	Littlefield	Slosberg
Bense	Gibson	Lynn	Smith
Benson	Goodlette	Machek	Sobel
Berfield	Gottlieb	Mack	Sorensen
Betancourt	Green	Mahon	Spratt
Bilirakis	Greenstein	Mayfield	Stansel
Bowen	Haridopolos	Maygarden	Trovillion
Brummer	Harper	McGriff	Wallace
Brutus	Harrell	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	
Clarke	Holloway	Negron	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

On motion by Rep. Byrd, the House moved to the consideration of List 8 of Messages from the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1720 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Appropriations and Senator King—

CS for SB 1720—A bill to be entitled An act relating to trust funds; creating s. 20.505, F.S.; creating the Administrative Trust Fund within

the Agency for Workforce Innovation; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the first time by title. On motion by Rep. Johnson, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 542

Yeas—115

The Chair	Crow	Holloway	Paul
Alexander	Cusack	Jennings	Peterman
Allen	Davis	Johnson	Pickens
Andrews	Detert	Jordan	Prieguez
Argenziano	Diaz de la Portilla	Joyner	Rich
Arza	Diaz-Balart	Justice	Richardson
Attkisson	Dockery	Kallinger	Ritter
Atwater	Farkas	Kendrick	Romeo
Ausley	Fasano	Kilmer	Ross
Baker	Fields	Kosmas	Rubio
Ball	Flanagan	Kottkamp	Russell
Barreiro	Frankel	Kravitz	Ryan
Baxley	Gannon	Kyle	Seiler
Bean	Garcia	Lacasa	Simmons
Bendross-Mindingall	Gardiner	Lee	Siplin
Bennett	Gelber	Lerner	Slosberg
Bense	Gibson	Littlefield	Smith
Benson	Goodlette	Lynn	Sobel
Berfield	Gottlieb	Machek	Sorensen
Betancourt	Green	Mahon	Spratt
Bowen	Greenstein	Maygarden	Stansel
Brummer	Haridopolos	McGriff	Trovillion
Brutus	Harper	Meadows	Wallace
Bucher	Harrell	Mealor	Waters
Bullard	Harrington	Melvin	Weissman
Byrd	Hart	Miller	Wiles
Cantens	Henriquez	Murman	Wilson
Carassas	Heyman	Needelman	Wishner
Clarke	Hogan	Negron	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1981, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1981—A bill to be entitled An act relating to tax administration; amending s. 45.031, F.S.; providing for notice of disbursement of the proceeds of a judicial sale to the Department of Revenue under certain conditions when it was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation; amending s. 69.041, F.S.; authorizing the department to participate in the distribution of surplus funds remaining after such disbursement when it has an interest in an unemployment compensation tax lien pursuant to such a contract; amending s. 212.08, F.S.; reducing the maximum amount of the tax which is imposed upon industrial machinery and equipment; amending s. 213.053, F.S.; providing application of confidentiality and information sharing provisions to ch. 443, F.S., while the department is performing such tax collection services; amending s. 11, ch. 2000-165, Laws of Florida; specifying that the department is administering a revenue law when it provides such tax collection services and specifying the provisions of ch. 213, F.S., that apply thereto; amending s. 201.02, F.S.; providing that the documentary stamp tax on deeds and other instruments relating to

real property or interests in real property does not apply to a contract to sell the residence of an employee relocating at an employer's direction, or related documents, under specified circumstances; providing intent; exempting deeds and other instruments whereby property is conveyed from an electric utility to a regional transmission organization from said tax under certain circumstances; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" payments made by such an organization to an electric utility under certain conditions; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 212.06, F.S.; revising the definition of "fixtures" for purposes of determining if a person is improving real property under ch. 212, F.S.; providing intent; amending s. 212.08, F.S.; specifying conditions for receipt of sales tax exemptions provided to an entity under ch. 212, F.S., and subsection (7) of said section; providing for retroactive application; deleting obsolete provisions relating to registration with the WAGES Program Business Registry; providing for retroactive application; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk driving prevention, and juvenile delinquency prevention services; providing for determination of a mileage apportionment factor for the first year of operation in this state of vessels, railroads, or motor vehicles engaged in interstate or foreign commerce and entitled to a partial sales tax exemption; correcting references; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the vendor instead of the department for purposes of the sales tax exemption for machinery and equipment used to produce electrical or steam energy; providing for retroactive application; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; replacing the definitions of "section 38 property" with express definitions of "industrial machinery and equipment" and "motion picture or video equipment" and "sound recording equipment" for purposes of the sales tax exemptions therefor; providing intent and purpose; providing that provisions authorizing a partial sales tax exemption for a motor vehicle sold to a resident of another state do not require payment of tax to this state for prior assessments under certain conditions; providing for retroactive application; providing that a vehicle purchased by a nonresident corporation or partnership is not eligible for the partial sales tax exemption under certain circumstances; repealing s. 212.084(6), F.S.; eliminating provisions for temporary sales tax exemption certificates for newly organized charitable organizations; repealing s. 4, ch. 96-395, Laws of Florida, which provides for the repeal of sales tax exemptions for certain citizen support organizations and the Florida Folk Festival; providing for retroactive application; amending s. 213.285, F.S.; delaying the future repeal of the certified audits project; amending ss. 213.053 and 213.21, F.S., to conform; amending s. 213.30, F.S., relating to compensation for information relating to a violation of tax laws; specifying that said section is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; providing applicability; repealing s. 213.27(9), F.S., which authorizes the department to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that the agreement must require each state to abide by certain requirements in order for the department to enter into the agreement; authorizing the state to enter into multistate discussions and providing for appointment of delegates; specifying relationship of the agreement to state law; specifying the effect of the agreement with respect to persons other than member states; providing that government actions or state laws cannot be challenged on the basis of inconsistency with the agreement; providing liabilities and responsibilities of sellers, certified service providers, and providers of certified automated systems; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature regarding compliance with the agreement; reviving and readopting s. 215.20(3), F.S., which provides for deduction of a service charge from certain trust funds; amending s. 220.22, F.S.; eliminating the initial

year's corporate tax information return for subchapter S subsidiaries and directing the department to designate by rule entities that are not required to file a corporate tax return; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; repealing s. 624.509(10), F.S., which provides an exemption from the insurance premium tax for insurers who write monoline flood insurance policies not subsidized by the Federal Government; providing effective dates.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. *Subsection (6) of section 212.084, Florida Statutes, is repealed.*

Section 2. Effective July 1, 2001, paragraph (a) of subsection (4) and subsection (7) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes. The sale of drinking water in bottles, cans, or other containers, including water that contains minerals or carbonation in its natural state or water to which minerals have been added at a water treatment facility regulated by the Department of Environmental Protection or the Department of Health, is exempt. This exemption does not apply to the sale of drinking water in bottles, cans, or other containers if carbonation, minerals, or flavorings, except those added at a water treatment facility, have been added. *Water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings is also exempt.*

2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and diesel fuel is taxable as provided in this chapter with the exception of fuel expressly exempt herein. Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax shall be set forth in s. 212.054. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

(7) MISCELLANEOUS EXEMPTIONS.—*Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and must pay the tax. The department may adopt rules to administer this subsection.*

(a) Artificial commemorative flowers.—Exempt from the tax imposed by this chapter is the sale of artificial commemorative flowers by bona fide nationally chartered veterans' organizations.

(b) Boiler fuels.—When purchased for use as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material, coal, sulfur, wood, wood residues or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state are exempt from the taxes imposed by this chapter; however, such exemption shall not be allowed unless the purchaser signs a certificate stating that the fuel to be exempted is for the exclusive use designated herein. This exemption does not apply to the use of boiler fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale, or to the use of boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(c) Crustacea bait.—Also exempt from the tax imposed by this chapter is the purchase by commercial fishers of bait intended solely for use in the entrapment of *Callinectes sapidus* and *Menippe mercenaria*.

(d) Feeds.—Feeds for poultry, ostriches, and livestock, including racehorses and dairy cows, are exempt.

(e) Film rentals.—Film rentals are exempt when an admission is charged for viewing such film, and license fees and direct charges for films, videotapes, and transcriptions used by television or radio stations or networks are exempt.

(f) Flags.—Also exempt are sales of the flag of the United States and the official state flag of Florida.

(g) Florida Retired Educators Association and its local chapters.—Also exempt from payment of the tax imposed by this chapter are purchases of office supplies, equipment, and publications made by the Florida Retired Educators Association and its local chapters.

(h) Guide dogs for the blind.—Also exempt are the sale or rental of guide dogs for the blind, commonly referred to as "seeing-eye dogs," and the sale of food or other items for such guide dogs.

1. The department shall issue a consumer's certificate of exemption to any blind person who holds an identification card as provided for in s. 413.091 and who either owns or rents, or contemplates the ownership or rental of, a guide dog for the blind. The consumer's certificate of exemption shall be issued without charge and shall be of such size as to be capable of being carried in a wallet or billfold.

2. The department shall make such rules concerning items exempt from tax under the provisions of this paragraph as may be necessary to provide that any person authorized to have a consumer's certificate of exemption need only present such a certificate at the time of paying for exempt goods and shall not be required to pay any tax thereon.

(i) Hospital meals and rooms.—Also exempt from payment of the tax imposed by this chapter on rentals and meals are patients and inmates

of any hospital or other physical plant or facility designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated, or otherwise dependent on special care or attention. Residents of a home for the aged are exempt from payment of taxes on meals provided through the facility. A home for the aged is defined as a facility that is licensed or certified in part or in whole under chapter 400 or chapter 651, or that is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), s. 232, or s. 236 of the National Housing Act, or other such similar facility designed and operated primarily for the care of the aged.

(j) Household fuels.—Also exempt from payment of the tax imposed by this chapter are sales of utilities to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, and sales of fuel to residential households or owners of residential models, including oil, kerosene, liquefied petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption. For the purposes of this paragraph, licensed family day care homes shall also be exempt.

(k) Meals provided by certain nonprofit organizations.—There is exempt from the tax imposed by this chapter the sale of prepared meals by a nonprofit volunteer organization to handicapped, elderly, or indigent persons when such meals are delivered as a charitable function by the organization to such persons at their places of residence.

(l) Organizations providing special educational, cultural, recreational, and social benefits to minors.—Also exempt from the tax imposed by this chapter are sales or leases to and sales of donated property by nonprofit organizations which are incorporated pursuant to chapter 617 the primary purpose of which is providing activities that contribute to the development of good character or good sportsmanship, or to the educational or cultural development, of minors. This exemption is extended only to that level of the organization that has a salaried executive officer or an elected nonsalaried executive officer. For the purpose of this paragraph, the term "donated property" means any property transferred to such nonprofit organization for less than 50 percent of its fair market value.

(m) Religious institutions.—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases directly to religious institutions when used in carrying on their customary nonprofit religious activities or sales or leases of tangible personal property by religious institutions having an established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

2. As used in this paragraph, the term "religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes nonprofit state, nonprofit district, or other nonprofit governing or administrative offices the function of which is to assist or regulate the customary activities of religious institutions. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, the

primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, the sole or primary function of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administrative assistance, or missionary assistance for a church, synagogue, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.

(n) Veterans' organizations.—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases to qualified veterans' organizations and their auxiliaries when used in carrying on their customary veterans' organization activities.

2. As used in this paragraph, the term "veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code of 1986, as amended.

(o) Schools, colleges, and universities.—Also exempt from the tax imposed by this chapter are sales or leases to state tax-supported schools, colleges, or universities.

(p) Section 501(c)(3) organizations.—Also exempt from the tax imposed by this chapter are sales or leases to organizations determined by the Internal Revenue Service to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, when such leases or purchases are used in carrying on their customary nonprofit activities.

(q) Resource recovery equipment.—Also exempt is resource recovery equipment which is owned and operated by or on behalf of any county or municipality, certified by the Department of Environmental Protection under the provisions of s. 403.715.

(r) School books and school lunches.—This exemption applies to school books used in regularly prescribed courses of study, and to school lunches served in public, parochial, or nonprofit schools operated for and attended by pupils of grades K through 12. Yearbooks, magazines, newspapers, directories, bulletins, and similar publications distributed by such educational institutions to their students are also exempt. School books and food sold or served at community colleges and other institutions of higher learning are taxable.

(s) Tasting beverages.—Vinous and alcoholic beverages provided by distributors or vendors for the purpose of "wine tasting" and "spirituous beverage tasting" as contemplated under the provisions of ss. 564.06 and 565.12, respectively, are exempt from the tax imposed by this chapter.

(t) Boats temporarily docked in state.—

1. Notwithstanding the provisions of chapter 328, pertaining to the registration of vessels, a boat upon which the state sales or use tax has not been paid is exempt from the use tax under this chapter if it enters and remains in this state for a period not to exceed a total of 20 days in any calendar year calculated from the date of first dockage or slippage at a facility, registered with the department, that rents dockage or slippage space in this state. If a boat brought into this state for use under this paragraph is placed in a facility, registered with the department, for repairs, alterations, refitting, or modifications and such repairs, alterations, refitting, or modifications are supported by written documentation, the 20-day period shall be tolled during the time the boat is physically in the care, custody, and control of the repair facility, including the time spent on sea trials conducted by the facility. The 20-day time period may be tolled only once within a calendar year when a boat is placed for the first time that year in the physical care, custody, and control of a registered repair facility; however, the owner may

request and the department may grant an additional tolling of the 20-day period for purposes of repairs that arise from a written guarantee given by the registered repair facility, which guarantee covers only those repairs or modifications made during the first tolled period. Within 72 hours after the date upon which the registered repair facility took possession of the boat, the facility must have in its possession, on forms prescribed by the department, an affidavit which states that the boat is under its care, custody, and control and that the owner does not use the boat while in the facility. Upon completion of the repairs, alterations, refitting, or modifications, the registered repair facility must, within 72 hours after the date of release, have in its possession a copy of the release form which shows the date of release and any other information the department requires. The repair facility shall maintain a log that documents all alterations, additions, repairs, and sea trials during the time the boat is under the care, custody, and control of the facility. The affidavit shall be maintained by the registered repair facility as part of its records for as long as required by s. 213.35. When, within 6 months after the date of its purchase, a boat is brought into this state under this paragraph, the 6-month period provided in s. 212.05(1)(a)2. or s. 212.06(8) shall be tolled.

2. During the period of repairs, alterations, refitting, or modifications and during the 20-day period referred to in subparagraph 1., the boat may be listed for sale, contracted for sale, or sold exclusively by a broker or dealer registered with the department without incurring a use tax under this chapter; however, the sales tax levied under this chapter applies to such sale.

3. The mere storage of a boat at a registered repair facility does not qualify as a tax-exempt use in this state.

4. As used in this paragraph, "registered repair facility" means:

a. A full-service facility that:

(I) Is located on a navigable body of water;

(II) Has haulout capability such as a dry dock, travel lift, railway, or similar equipment to service craft under the care, custody, and control of the facility;

(III) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(IV) Has necessary shops and equipment to provide repair or warranty work on vessels under the care, custody, and control of the facility;

b. A marina that:

(I) Is located on a navigable body of water;

(II) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(III) Has necessary shops and equipment to provide repairs or warranty work on vessels; or

c. A shoreside facility that:

(I) Is located on a navigable body of water;

(II) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(III) Has necessary shops and equipment to provide repairs or warranty work.

(u) Volunteer fire departments.—Also exempt are firefighting and rescue service equipment and supplies purchased by volunteer fire departments, duly chartered under the Florida Statutes as corporations not for profit.

(v) Professional services.—

1. Also exempted are professional, insurance, or personal service transactions that involve sales as inconsequential elements for which no separate charges are made.

2. The personal service transactions exempted pursuant to subparagraph 1. do not exempt the sale of information services involving the furnishing of printed, mimeographed, or multigraphed matter, or matter duplicating written or printed matter in any other manner, other than professional services and services of employees, agents, or other persons acting in a representative or fiduciary capacity or information services furnished to newspapers and radio and television stations. As used in this subparagraph, the term "information services" includes the services of collecting, compiling, or analyzing information of any kind or nature and furnishing reports thereof to other persons.

3. This exemption does not apply to any service warranty transaction taxable under s. 212.0506.

4. This exemption does not apply to any service transaction taxable under s. 212.05(1)(j).

(w) Certain newspaper, magazine, and newsletter subscriptions, shoppers, and community newspapers.—Likewise exempt are newspaper, magazine, and newsletter subscriptions in which the product is delivered to the customer by mail. Also exempt are free, circulated publications that are published on a regular basis, the content of which is primarily advertising, and that are distributed through the mail, home delivery, or newsstands. The exemption for newspaper, magazine, and newsletter subscriptions which is provided in this paragraph applies only to subscriptions entered into after March 1, 1997.

(x) Sporting equipment brought into the state.—Sporting equipment brought into Florida, for a period of not more than 4 months in any calendar year, used by an athletic team or an individual athlete in a sporting event is exempt from the use tax if such equipment is removed from the state within 7 days after the completion of the event.

(y) Charter fishing vessels.—The charge for chartering any boat or vessel, with the crew furnished, solely for the purpose of fishing is exempt from the tax imposed under s. 212.04 or s. 212.05. This exemption does not apply to any charge to enter or stay upon any "head-boat," party boat, or other boat or vessel. Nothing in this paragraph shall be construed to exempt any boat from sales or use tax upon the purchase thereof except as provided in paragraph (t) and s. 212.05.

(z) Vending machines sponsored by nonprofit or charitable organizations.—Also exempt are food or drinks for human consumption sold for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit corporation qualified as nonprofit pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of 1986, as amended.

(aa) Certain commercial vehicles.—Also exempt is the sale, lease, or rental of a commercial motor vehicle as defined in s. 207.002(2), when the following conditions are met:

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;

2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and

3. Florida sales tax was paid on the acquisition of such vehicle by the seller, lessor, or renter.

(bb) Community cemeteries.—Also exempt are purchases by any nonprofit corporation that has qualified under s. 501(c)(13) of the Internal Revenue Code of 1986, as amended, and is operated for the purpose of maintaining a cemetery that was donated to the community by deed.

(cc) Works of art.—

1. Also exempt are works of art sold to or used by an educational institution.

2. This exemption also applies to the sale to or use in this state of any work of art by any person if it was purchased or imported exclusively for the purpose of being donated to any educational

institution, or loaned to and made available for display by any educational institution, provided that the term of the loan agreement is for at least 10 years.

3. The exemption provided by this paragraph for donations is allowed only if the person who purchased the work of art transfers title to the donated work of art to an educational institution. Such transfer of title shall be evidenced by an affidavit meeting requirements established by rule to document entitlement to the exemption. Nothing in this paragraph shall preclude a work of art donated to an educational institution from remaining in the possession of the donor or purchaser, as long as title to the work of art lies with the educational institution.

4. A work of art is presumed to have been purchased in or imported into this state exclusively for loan as provided in subparagraph 2., if it is so loaned or placed in storage in preparation for such a loan within 90 days after purchase or importation, whichever is later; but a work of art is not deemed to be placed in storage in preparation for loan for purposes of this exemption if it is displayed at any place other than an educational institution.

5. The exemptions provided by this paragraph are allowed only if the person who purchased the work of art gives to the vendor an affidavit meeting the requirements, established by rule, to document entitlement to the exemption. The person who purchased the work of art shall forward a copy of such affidavit to the Department of Revenue at the time it is issued to the vendor.

6. The exemption for loans provided by subparagraph 2. applies only for the period during which a work of art is in the possession of the educational institution or is in storage before transfer of possession to that institution; and when it ceases to be so possessed or held, tax based upon the sales price paid by the owner is payable, and the statute of limitations provided in s. 95.091 shall begin to run at that time. However, tax shall not become due if the work of art is donated to an educational institution after the loan ceases.

7. Any educational institution to which a work of art has been donated pursuant to this paragraph shall make available to the department the title to the work of art and any other relevant information. Any educational institution which has received a work of art on loan pursuant to this paragraph shall make available to the department information relating to the work of art. Any educational institution that transfers from its possession a work of art as defined by this paragraph which has been loaned to it must notify the Department of Revenue within 60 days after the transfer.

8. For purposes of the exemptions provided by this paragraph, the term:

a. "Educational institutions" includes state tax-supported, parochial, church, and nonprofit private schools, colleges, or universities that conduct regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc.; nonprofit private schools that conduct regular classes and courses of study accepted for continuing education credit by a board of the Division of Medical Quality Assurance of the Department of Health; or nonprofit libraries, art galleries, performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year, and museums open to the public.

b. "Work of art" includes pictorial representations, sculpture, jewelry, antiques, stamp collections and coin collections, and other tangible personal property, the value of which is attributable predominantly to its artistic, historical, political, cultural, or social importance.

(dd) Taxicab leases.—The lease of or license to use a taxicab or taxicab-related equipment and services provided by a taxicab company to an independent taxicab operator are exempt, provided, however, the exemptions provided under this paragraph only apply if sales or use tax

has been paid on the acquisition of the taxicab and its related equipment.

(ee) Aircraft repair and maintenance labor charges.—There shall be exempt from the tax imposed by this chapter all labor charges for the repair and maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight and rotary wing aircraft of more than 10,000 pounds maximum certified takeoff weight. Except as otherwise provided in this chapter, charges for parts and equipment furnished in connection with such labor charges are taxable.

(ff) Certain electricity or steam uses.—

1. Subject to the provisions of subparagraph 4., charges for electricity or steam used to operate machinery and equipment at a fixed location in this state when such machinery and equipment is used to manufacture, process, compound, produce, or prepare for shipment items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt to the extent provided in this paragraph. If 75 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 100 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 75 percent but 50 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 50 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 50 percent of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, none of the charges for electricity or steam used at the fixed location are exempt.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

4. Such exemption shall be applied as follows:

a. Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

b. Beginning July 1, 1997, 40 percent of the charges for such electricity shall be exempt.

c. Beginning July 1, 1998, 60 percent of the charges for such electricity or steam shall be exempt.

d. Beginning July 1, 1999, 80 percent of the charges for such electricity or steam shall be exempt.

e. Beginning July 1, 2000, 100 percent of the charges for such electricity or steam shall be exempt.

~~5. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must first register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.~~

5.6.a. In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity or steam has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Government Accountability shall monitor and report on the industries receiving the exemption.

b. The report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so.

c. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(gg) Fair associations.—Also exempt from the tax imposed by this chapter is the sale, use, lease, rental, or grant of a license to use, made directly to or by a fair association, of real or tangible personal property; any charge made by a fair association, or its agents, for parking, admissions, or for temporary parking of vehicles used for sleeping quarters; rentals, subleases, and sublicenses of real or tangible personal property between the owner of the central amusement attraction and any owner of an amusement ride, as those terms are used in ss. 616.15(1)(b) and 616.242(3)(a), for the furnishing of amusement rides at a public fair or exposition; and other transactions of a fair association which are incurred directly by the fair association in the financing, construction, and operation of a fair, exposition, or other event or facility that is authorized by s. 616.08. As used in this paragraph, the terms "fair association" and "public fair or exposition" have the same meaning as those terms are defined in s. 616.001. This exemption does not apply to the sale of tangible personal property made by a fair association through an agent or independent contractor; sales of admissions and tangible personal property by a concessionaire, vendor, exhibitor, or licensee; or rentals and subleases of tangible personal property or real property between the owner of the central amusement attraction and a concessionaire, vendor, exhibitor, or licensee, except for the furnishing of amusement rides, which transactions are exempt.

(hh) Citizen support organizations.—Also exempt from the tax imposed by this chapter are sales or leases to nonprofit organizations that are incorporated under chapter 617 and that have been designated citizen support organizations in support of state-funded environmental programs or the management of state-owned lands in accordance with s. 20.2551, or to support one or more state parks in accordance with s. 258.015.

(ii) Florida Folk Festival.—There shall be exempt from the tax imposed by this chapter income of a revenue nature received from admissions to the Florida Folk Festival held pursuant to s. 267.16 at the Stephen Foster State Folk Culture Center, a unit of the state park system.

(jj) Solar energy systems.—Also exempt are solar energy systems or any component thereof. The Florida Solar Energy Center shall from time to time certify to the department a list of equipment and requisite hardware considered to be a solar energy system or a component thereof. This exemption is repealed July 1, 2005.

(kk) Nonprofit cooperative hospital laundries.—Also exempt from the tax imposed by this chapter are sales or leases to nonprofit organizations that are incorporated under chapter 617 and which are treated, for federal income tax purposes, as cooperatives under subchapter T of the Internal Revenue Code, whose sole purpose is to offer laundry supplies and services to their members, which members must all be exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code.

(ll) Complimentary meals.—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged room rate by any person offering for rent or lease any transient living accommodations as described in s. 509.013(4)(a) which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown. Such food or drinks are considered to be sold at retail as part

of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

(mm) Nonprofit corporation conducting the correctional work programs.—Products sold pursuant to s. 946.515 by the corporation organized pursuant to part II of chapter 946 are exempt from the tax imposed by this chapter. This exemption applies retroactively to July 1, 1983.

(nn) Parent-teacher organizations, parent-teacher associations, and schools having grades K through 12.—Parent-teacher organizations and associations *the purpose of which is to raise funds for schools teaching grades K through 12 and which are qualified as educational institutions as defined by sub-subparagraph (cc)8.a.* associated with schools having grades K through 12, and schools having grades K through 12, may pay tax to their suppliers on the cost price of school materials and supplies purchased, rented, or leased for resale or rental to students in grades K through 12, of items sold for fundraising purposes, and of items sold through vending machines located on the school premises, in lieu of collecting the tax imposed by this chapter from the purchaser. This paragraph also applies to food or beverages sold through vending machines located in the student lunchroom or dining room of a school having kindergarten through grade 12.

(oo) Mobile home lot improvements.—Items purchased by developers for use in making improvements to a mobile home lot owned by the developer may be purchased tax-exempt as a sale for resale if made pursuant to a contract that requires the developer to sell a mobile home to a purchaser, place the mobile home on the lot, and make the improvements to the lot for a single lump-sum price. The developer must collect and remit sales tax on the entire lump-sum price.

(pp) Veterans Administration.—When a veteran of the armed forces purchases an aircraft, boat, mobile home, motor vehicle, or other vehicle from a dealer pursuant to the provisions of 38 U.S.C. s. 3902(a), or any successor provision of the United States Code, the amount that is paid directly to the dealer by the Veterans Administration is not taxable. However, any portion of the purchase price which is paid directly to the dealer by the veteran is taxable.

(qq) Complimentary items.—There is exempt from the tax imposed by this chapter:

1. Any food or drink, whether or not cooked or prepared on the premises, provided without charge as a sample or for the convenience of customers by a dealer that primarily sells food product items at retail.

2. Any item given to a customer as part of a price guarantee plan related to point-of-sale errors by a dealer that primarily sells food products at retail.

The exemptions in this paragraph do not apply to businesses with the primary activity of serving prepared meals or alcoholic beverages for immediate consumption.

(rr) Donated foods or beverages.—Any food or beverage donated by a dealer that sells food products at retail to a food bank or an organization that holds a current exemption from federal corporate income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended, is exempt from the tax imposed by this chapter.

(ss) Racing dogs.—The sale of a racing dog by its owner is exempt if the owner is also the breeder of the animal.

(tt) Equipment used in aircraft repair and maintenance.—There shall be exempt from the tax imposed by this chapter replacement engines, parts, and equipment used in the repair or maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight and rotary wing aircraft of more than 10,300 pounds maximum certified takeoff weight, when such parts or equipment are installed on such aircraft that is being repaired or maintained in this state.

(uu) Aircraft sales or leases.—The sale or lease of an aircraft of more than 15,000 pounds maximum certified takeoff weight for use by a

common carrier is exempt from the tax imposed by this chapter. As used in this paragraph, “common carrier” means an airline operating under Federal Aviation Administration regulations contained in Title 14, chapter I, part 121 or part 129 of the Code of Federal Regulations.

(vv) Nonprofit water systems.—Sales or leases to a not-for-profit corporation which holds a current exemption from federal income tax under s. 501(c)(4) or (12) of the Internal Revenue Code, as amended, are exempt from the tax imposed by this chapter if the sole or primary function of the corporation is to construct, maintain, or operate a water system in this state.

(ww) Library cooperatives.—Sales or leases to library cooperatives certified under s. 257.41(2) are exempt from the tax imposed by this chapter.

(xx) Advertising agencies.—

1. As used in this paragraph, the term “advertising agency” means any firm that is primarily engaged in the business of providing advertising materials and services to its clients.

2. The sale of advertising services by an advertising agency to a client is exempt from the tax imposed by this chapter. Also exempt from the tax imposed by this chapter are items of tangible personal property such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, digital audiotapes, analog tapes, printed advertisement copies, compact discs for the purpose of recording, digital equipment, and artwork and the services used to produce those items if the items are:
 - a. Sold to an advertising agency that is acting as an agent for its clients pursuant to contract, and are created for the performance of advertising services for the clients;
 - b. Produced, fabricated, manufactured, or otherwise created by an advertising agency for its clients, and are used in the performance of advertising services for the clients; or
 - c. Sold by an advertising agency to its clients in the performance of advertising services for the clients, whether or not the charges for these items are marked up or separately stated.

The exemption provided by this subparagraph does not apply when tangible personal property such as film, paper, and videotapes is purchased to create items such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, and artwork that are sold to an advertising agency or produced in-house by an advertising agency on behalf of its clients.

3. The items exempted from tax under subparagraph 2. and the creative services used by an advertising agency to design the advertising for promotional goods such as displays, display containers, exhibits, newspaper inserts, brochures, catalogues, direct mail letters or flats, shirts, hats, pens, pencils, key chains, or other printed goods or materials are not subject to tax. However, when such promotional goods are produced or reproduced for distribution, tax applies to the sales price charged to the client for such promotional goods.

4. For items purchased by an advertising agency and exempt from tax under this paragraph, possession of an exemption certificate from the advertising agency certifying the agency’s entitlement to exemption relieves the vendor of the responsibility of collecting the tax on the sale of such items to the advertising agency, and the department shall look solely to the advertising agency for recovery of tax if it determines that the advertising agency was not entitled to the exemption.

5. The exemptions provided by this paragraph apply retroactively, except that all taxes that have been collected must be remitted, and taxes that have been remitted before July 1, 1999, on transactions that are subject to exemption under this paragraph are not subject to refund.

6. The department may adopt rules that interpret or define the provisions of these exemptions and provide examples regarding the application of these exemptions.

(yy) Bullion.—The sale of gold, silver, or platinum bullion, or any combination thereof, in a single transaction is exempt if the sales price exceeds \$500. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of gold, silver, or platinum bullion and is exempt under this paragraph.

(zz) Certain repair and labor charges.—

1. Subject to the provisions of subparagraphs 2. and 3., there is exempt from the tax imposed by this chapter all labor charges for the repair of, and parts and materials used in the repair of and incorporated into, industrial machinery and equipment which is used for the manufacture, processing, compounding, production, or preparation for shipping of items of tangible personal property at a fixed location within this state.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this subparagraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. This exemption shall be applied as follows:

a. Beginning July 1, 1999, 25 percent of such charges for repair parts and labor shall be exempt.

b. Beginning July 1, 2000, 50 percent of such charges for repair parts and labor shall be exempt.

c. Beginning July 1, 2001, 75 percent of such charges for repair parts and labor shall be exempt.

d. Beginning July 1, 2002, 100 percent of such charges for repair parts and labor shall be exempt.

(aaa) Film and other printing supplies.—Also exempt are the following materials purchased, produced, or created by businesses classified under SIC Industry Numbers 275, 276, 277, 278, or 279 for use in producing graphic matter for sale: film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and negatives. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

(bbb) People-mover systems.—People-mover systems, and parts thereof, which are purchased or manufactured by contractors employed either directly by or as agents for the United States Government, the state, a county, a municipality, a political subdivision of the state, or the public operator of a public-use airport as defined by s. 332.004(14) are exempt from the tax imposed by this chapter when the systems or parts go into or become part of publicly owned facilities. In the case of contractors who manufacture and install such systems and parts, this exemption extends to the purchase of component parts and all other manufacturing and fabrication costs. The department may provide a form to be used by contractors to provide to suppliers of people-mover systems or parts to certify the contractors' eligibility for the exemption provided under this paragraph. As used in this paragraph, "people-mover systems" includes wheeled passenger vehicles and related control and power distribution systems that are part of a transportation system for use by the general public, regardless of whether such vehicles are operator-controlled or driverless, self-propelled or propelled by external power and control systems, or conducted on roads, rails, guidebeams, or other permanent structures that are an integral part of such transportation system. "Related control and power distribution systems" includes any electrical or electronic control or signaling equipment, but does not include the embedded wiring, conduits, or cabling used to transmit electrical or electronic signals among such control equipment, power distribution equipment, signaling equipment, and wheeled vehicles.

~~(ccc) Organizations providing crime prevention, drunk driving prevention, or juvenile delinquency prevention services.—Sales or leases to any nonprofit organization that provides crime prevention services, drunk driving prevention services, or juvenile delinquency prevention services that benefit society as a whole are exempt from the tax imposed by this chapter, if the organization holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code and the organization has as its sole or primary purpose the provision of services that contribute to the prevention of hardships caused by crime, drunk driving, or juvenile delinquency.~~

~~(ccc)(ddd) Florida Fire and Emergency Services Foundation.—Sales or leases to the Florida Fire and Emergency Services Foundation are exempt from the tax imposed by this chapter.~~

~~(ddd)(eee) Railroad roadway materials.—Also exempt from the tax imposed by this chapter are railroad roadway materials used in the construction, repair, or maintenance of railways. Railroad roadway materials shall include rails, ties, ballasts, communication equipment, signal equipment, power transmission equipment, and any other track materials.~~

~~Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.~~

Section 3. (1) *The amendments to paragraphs (ff) and (nn) of subsection (7) of section 212.08, Florida Statutes, which are made by section 2 of this act apply retroactively to July 1, 2000.*

(2) *The amendments to the introductory paragraph, to paragraph (p), and to the final, flush-left passage of subsection (7) of section 212.08, Florida Statutes, which are made by section 2 of this act are made to clarify rather than change existing law, and these amendments apply retroactively to January 1, 2001.*

Section 4. Effective upon this act becoming a law and applying retroactively to July 1, 1996, paragraph (c) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) Machinery and equipment used in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which machinery and equipment are necessary in the production of electrical or steam energy resulting from the burning of boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.

2. In facilities where machinery and equipment are necessary to burn both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels as a percentage of electrical or steam energy from all fuels. If it is determined that 15 percent or less of all electrical or steam energy generated was produced by burning residual fuel, the full exemption shall apply. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.

3. The department may adopt rules that provide for implementation of this exemption. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the *vendor*

department with an affidavit stating that the item or items to be exempted are for the use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. Purchasers with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

Section 5. Effective July 1, 2001, paragraphs (b), (d), and (f) of subsection (5) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.a. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of \$50,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such an expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the 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 *tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment itself is replaced. Heating and air conditioning systems are not industrial machinery and equipment, unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities.* ~~“section 38 property” as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided “industrial machinery and equipment” shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of spaceport activities or of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property.~~ Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. “Productive output” means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to

measure productive output shall be physically comparable between the two periods, irrespective of sales.

(d) Machinery and equipment used under federal procurement contract.—

1. Industrial machinery and equipment purchased by an expanding business which manufactures tangible personal property pursuant to federal procurement regulations at fixed locations in this state are partially exempt from the tax imposed in this chapter on that portion of the tax which is in excess of \$100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the implicit productive output of the expanded business by not less than 10 percent. The percentage of increase is measured as deflated implicit productive output for the calendar year during which the installation of the machinery or equipment is completed or during which commencement of production utilizing such items is begun divided by the implicit productive output for the preceding calendar year. In no case may the commencement of production begin later than 2 years following completion of installation of the machinery or equipment.

2. The amount of the exemption allowed shall equal the taxes otherwise imposed by this chapter in excess of \$100,000 per calendar year on qualifying industrial machinery or equipment reduced by the percentage of gross receipts from cost-reimbursement type contracts attributable to the plant or operation to total gross receipts so attributable, accrued for the year of completion or commencement.

3. The exemption provided by this paragraph shall inure to the taxpayer only through refund of previously paid taxes. Such refund shall be made within 30 days of formal approval by the department of the taxpayer's application, which application may be made on an annual basis following installation of the machinery or equipment.

4. For the purposes of this paragraph, the term:

a. "Cost-reimbursement type contracts" has the same meaning as in 32 C.F.R. s. 3-405.

b. "Deflated implicit productive output" means the product of implicit productive output times the quotient of the national defense implicit price deflator for the preceding calendar year divided by the deflator for the year of completion or commencement.

c. "Eligible costs" means the total direct and indirect costs, as defined in 32 C.F.R. ss. 15-202 and 15-203, excluding general and administrative costs, selling expenses, and profit, defined by the uniform cost-accounting standards adopted by the Cost-Accounting Standards Board created pursuant to 50 U.S.C. s. 2168.

d. "Implicit productive output" means the annual eligible costs attributable to all contracts or subcontracts subject to federal procurement regulations of the single plant or operation at which the machinery or equipment is used.

e. "Industrial machinery and equipment" means *tangible personal property, or other property, that has a depreciable life of 3 years or more, that qualifies as an eligible cost under federal procurement regulations, and that is used as an integral part of the process of production of tangible personal property. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment itself is replaced. Heating and air conditioning systems are not industrial machinery and equipment, unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities.* ~~"section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided such industrial machinery and equipment qualified as an eligible cost under federal procurement regulations and are used as an integral part of the tangible personal property production process.~~ Such term includes parts and accessories only to the extent that the

exemption of such parts and accessories is consistent with the provisions of this paragraph.

f. "National defense implicit price deflator" means the national defense implicit price deflator for the gross national product as determined by the Bureau of Economic Analysis of the United States Department of Commerce.

5. The exclusions provided in subparagraph (b)5. apply to this exemption. This exemption applies only to machinery or equipment purchased pursuant to production contracts with the United States Department of Defense and Armed Forces, the National Aeronautics and Space Administration, and other federal agencies for which the contracts are classified for national security reasons. In no event shall the provisions of this paragraph apply to any expanding business the increase in productive output of which could be measured under the provisions of sub-subparagraph (b)6.b. as physically comparable between the two periods.

(f) Motion picture or video equipment used in motion picture or television production activities and sound recording equipment used in the production of master tapes and master records.—

1. Motion picture or video equipment and sound recording equipment purchased or leased for use in this state in production activities is exempt from the tax imposed by this chapter. The exemption provided by this paragraph shall inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

2. For the purpose of the exemption provided in subparagraph 1.:

a. "Motion picture or video equipment" and "sound recording equipment" includes only *tangible personal property, or other property, that has a depreciable life of 3 years or more and equipment meeting the definition of "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code that is used by the lessee or purchaser exclusively as an integral part of production activities; however, motion picture or video equipment and sound recording equipment does not include supplies, tape, records, film, or video tape used in productions or other similar items; vehicles or vessels; or general office equipment not specifically suited to production activities. In addition, the term does not include equipment purchased or leased by television or radio broadcasting or cable companies licensed by the Federal Communications Commission. Furthermore, a building and its structural components are not motion picture or video equipment and sound recording equipment unless the building or structural component is so closely related to the motion picture or video equipment and sound recording equipment that it houses or supports that the building or structural component can be expected to be replaced when the motion picture or video equipment and sound recording equipment itself is replaced. Heating and air conditioning systems are not motion picture or video equipment and sound recording equipment, unless the sole justification for their installation is to meet the requirements of the production activities, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities.*

b. "Production activities" means activities directed toward the preparation of a:

(I) Master tape or master record embodying sound; or

(II) Motion picture or television production which is produced for theatrical, commercial, advertising, or educational purposes and utilizes live or animated actions or a combination of live and animated actions. The motion picture or television production shall be commercially produced for sale or for showing on screens or broadcasting on television and may be on film or video tape.

Section 6. (1) *It is the intent of the Legislature to provide guidance in tax matters which is current and useful. Accordingly, the continued reference to a federal regulation that no longer exists causes confusion and an undue burden on persons affected by section 212.08, Florida Statutes.*

(2) *It is the purpose of the amendment to section 212.08(5)(b), (d), and (f), Florida Statutes, by this act to replace specific references therein to "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code with a general description of such property, and such new description shall have the same meaning as the former federal Internal Revenue Code regulation without limitation.*

Section 7. Effective July 1, 2001, subsection (10) 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.

(10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT OF ANOTHER STATE.—

(a) The tax collected on the sale of a new or used motor vehicle in this state to a resident of another state shall be an amount equal to the sales tax which would be imposed on such sale under the laws of the state of which the purchaser is a resident, except that such tax shall not exceed the tax that would otherwise be imposed under this chapter. At the time of the sale, the purchaser shall execute a notarized statement of his or her intent to license the vehicle in the state of which the purchaser is a resident within 45 days of the sale and of the fact of the payment to the State of Florida of a sales tax in an amount equivalent to the sales tax of his or her state of residence and shall submit the statement to the appropriate sales tax collection agency in his or her state of residence. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to license the vehicle in the purchaser's home state if the purchaser licenses the vehicle in his or her home state within 45 days after the date of sale.

(b) *Notwithstanding the partial exemption allowed in paragraph (a), a vehicle is subject to this state's sales tax at the applicable state sales tax rate plus authorized surtaxes when the vehicle is purchased by a nonresident corporation or partnership and:*

1. *An officer of the corporation is a resident of this state;*
2. *A stockholder of the corporation who owns at least 10 percent of the corporation is a resident of this state; or*
3. *A partner in the partnership who has at least 10 percent ownership is a resident of this state.*

However, if the vehicle is removed from this state within 45 days after purchase and remains outside the state for a minimum of 180 days, the vehicle may qualify for the partial exemption allowed in paragraph (a) despite the residency of owners or stockholders of the purchasing entity.

Section 8. Effective July 1, 2001, paragraph (b) of subsection (14) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(14) For the purpose of determining whether a person is improving real property, the term:

(b) "Fixtures" means items that are an accessory to a building, other structure, or land and that do not lose their identity as accessories when installed but that do become permanently attached to realty. However, the term does not include the following items, whether or not such items are attached to real property in a permanent manner: ~~trade fixtures~~; property of a type that is required to be registered, licensed, titled, or documented by this state or by the United States Government, including, but not limited to, mobile homes, except mobile homes assessed as real property; or *industrial machinery or equipment. For purposes of this paragraph, industrial machinery or equipment is not limited to machinery and equipment used to manufacture, process, compound, or produce tangible personal property.* For an item to be considered a fixture, it is not necessary that the owner of the item also own the real property to which it is attached.

Section 9. *It is the intent of the Legislature that the amendment to section 212.06(14)(b), Florida Statutes, relating to industrial machinery or equipment, which is made by section 7 of this act is remedial in nature and merely clarifies existing law.*

Section 10. Paragraph (a) of subsection (8) and subsection (9) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(8) PARTIAL EXEMPTIONS; VESSELS ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(a) The sale or use of vessels and parts thereof used to transport persons or property in interstate or foreign commerce, including commercial fishing vessels, is subject to the taxes imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's vessels which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year. The ratio would be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the vessel begins its initial operations in this state, the vessel's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the vessel, or a refund may be applied for, on the basis of the actual ratio of the vessel's miles in this state to its total miles for that year.* This ratio shall be applied each month to the total Florida purchases of such vessels and parts thereof which are used in Florida to establish that portion of the total used and consumed in intrastate movement and subject to the tax at the applicable rate. The basis for imposition of any discretionary surtax shall be as set forth in s. 212.054. Items, appropriate to carry out the purposes for which a vessel is designed or equipped and used, purchased by the owner, operator, or agent of a vessel for use on board such vessel shall be deemed to be parts of the vessel upon which the same are used or consumed. Vessels and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter. Vessels and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax.

(9) PARTIAL EXEMPTIONS; RAILROADS AND MOTOR VEHICLES ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(a) Railroads which are licensed as common carriers by the *Surface Transportation Board Interstate Commerce Commission* and parts thereof used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the railroad begins its initial operations in this state, the railroad's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the railroad, or a refund may be applied for, on the basis of the actual ratio of the railroad's miles in this state to its total miles for that year.* This ratio shall be applied each month to the ~~Florida total~~ purchases of the railroad which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax is set forth in s. 212.054. Railroads which are licensed as common carriers by the *Surface Transportation Board Interstate Commerce Commission* and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct

and separate classification for taxation under the provisions of this chapter.

(b) Motor vehicles which are engaged in interstate commerce as common carriers, and parts thereof, used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's motor vehicles which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the carrier begins its initial operations in this state, the carrier's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the carrier, or a refund may be applied for, on the basis of the actual ratio of the carrier's miles in this state to its total miles for that year.* This ratio shall be applied each month to the Florida ~~total~~ purchases of such motor vehicles and parts thereof which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax is set forth in s. 212.054. Motor vehicles which are engaged in interstate commerce, and parts thereof, used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter. Motor vehicles and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax. For purposes of this paragraph, parts of a motor vehicle engaged in interstate commerce include a separate tank not connected to the fuel supply system of the motor vehicle into which diesel fuel is placed to operate a refrigeration unit or other equipment.

Section 11. Subsection (5) is added to section 212.11, Florida Statutes, to read:

212.11 Tax returns and regulations.—

(5)(a) *Each dealer that claims any credits granted in this chapter against that dealer's sales and use tax liabilities, which credits are granted by reason of the dealer's hiring employees, purchasing property, improving property, paying increased ad valorem taxes, operating a business, or otherwise engaging in activity in an urban high-crime area, an enterprise zone, an empowerment zone, a Front Porch Community, a designated brownfield area, or an urban infill area, must submit to the department with the return on which such credits are claimed a report in a format prescribed by the department which provides the information and documentation required to verify the dealer's entitlement to the credits. All information must be broken down by the urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area to which it relates. In the case of any credit that is granted in the form of a refund of previously paid taxes, supporting documentation must be provided with the application for refund.*

(b) *The department may adopt rules prescribing the form in which the report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.*

(c) *The department shall disallow any credit that is not supported by the report required by this subsection.*

Section 12. If the amendment to subsection (6) of section 212.20, Florida Statutes, by section 35 of chapter 2000-260, Laws of Florida, does not take effect, paragraph (e) 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:

(e) 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., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6.a. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215.

b. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000.

c. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

d. *Each newly incorporated municipality that meets the eligibility requirements established in s. 218.23 or in the local act establishing the municipality is eligible to receive a share of revenue sharing funds under s. 218.245. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in the 1999-2000 fiscal year, plus the share for any new municipalities, each municipality shall receive a proportionate amount.*

7. 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. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 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. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph 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(6). However, a certified applicant is entitled to 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. 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. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development 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 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 13. If the amendment to subsection (6) of section 212.20, Florida Statutes, by section 35 of chapter 2000-260, Laws of Florida, does take effect, paragraph (e) 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 and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) 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 or remitted pursuant to s. 202.18(1)(b) and (2)(b) 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., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6.a. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of

the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215.

b. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000.

c. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

d. *Each newly incorporated municipality that meets the eligibility requirements established in s. 218.23 or in the local act establishing the municipality is eligible to receive a share of revenue sharing funds under s. 218.245. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in the 1999-2000 fiscal year, plus the share for any new municipalities, each municipality shall receive a proportionate amount.*

7. 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. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 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. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph 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(6). However, a certified applicant is entitled to 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. 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. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development 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 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 14. Paragraph (b) of subsection (6) of section 218.21, Florida Statutes, is amended to read:

218.21 Definitions.—As used in this part, the following words and terms shall have the meanings ascribed them in this section, except where the context clearly indicates a different meaning:

(6) “Guaranteed entitlement” means the amount of revenue which must be shared with an eligible unit of local government so that:

(b)1. No eligible municipality shall receive less funds from the Revenue Sharing Trust Fund for Municipalities in any fiscal year than the aggregate amount it received from the state in fiscal year 1971-1972 under the provisions of the then-existing s. 210.20(2)(a), tax on cigarettes; s. 323.16(3), road tax; and s. 206.605, tax on motor fuel.

2. Any government exercising municipal powers under s. 6(f), Art. VIII of the State Constitution may not receive less than the aggregate amount it received from the Revenue Sharing Trust Fund for Municipalities in the preceding fiscal year, plus a percentage increase in such amount equal to the percentage increase of the Revenue Sharing Trust Fund for Municipalities for the preceding fiscal year. *However, for the distributions made during the 2001-2002 fiscal year, the percentage increase shall be calculated as the revenues from the Revenue Sharing Trust Fund for Municipalities for the 2001-2002 fiscal year, divided by the sum of the revenues from the Revenue Sharing Trust Fund for Municipalities for the 1999-2000 fiscal year and the revenues from the Municipal Financial Assistance Trust Fund for the 1999-2000 fiscal year, minus one.*

Section 15. Effective July 1, 2001, subsection (4) of section 220.22, Florida Statutes, is amended to read:

220.22 Returns; filing requirement.—

(4) *The department shall designate by rule certain not-for-profit entities and others that are not required to file a return, including an initial information return, under this code unless the entities have taxable income as defined in s. 220.13(2). These entities must include subchapter S corporations, tax-exempt entities, and others that do not usually owe federal income tax. For the year in which an election is made pursuant to s. 1361(b)(3) of the Internal Revenue Code, the qualified subchapter S subsidiary shall file an informational return with the department, which return shall be restricted to information identifying the subsidiary, the electing S corporation parent, and the effective date of the election.*

Section 16. *Effective July 1, 2001, subsection (10) of section 624.509, Florida Statutes, is repealed.*

Section 17. *Subsection (9) of section 213.27, Florida Statutes, is repealed.*

Section 18. *Section 213.256, Florida Statutes, is created to read:*

213.256 *Simplified Sales and Use Tax Administration Act.—*

(1) *As used in this section, the term:*

(a) *“Department” means the Department of Revenue.*

(b) *“Agreement” means the Streamlined Sales and Use Tax Agreement as amended and adopted on January 27, 2001, by the Executive Committee of the National Conference of State Legislatures.*

(c) *“Certified automated system” means software certified jointly by the states that are signatories to the agreement to calculate the tax*

imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(d) *“Certified service provider” means an agent certified jointly by the states that are signatories to the agreement to perform all of the seller’s sales tax functions.*

(e) *“Person” means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.*

(f) *“Sales tax” means the tax levied under chapter 212.*

(g) *“Seller” means any person making sales, leases, or rentals of personal property or services.*

(h) *“State” means any state of the United States and the District of Columbia.*

(i) *“Use tax” means the tax levied under chapter 212.*

(2)(a) *The executive director of the department shall enter into the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the agreement, the executive director of the department or his or her designee shall act jointly with other states that are members of the agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.*

(b) *The executive director of the department or his or her designee shall take other actions reasonably required to administer this section. Other actions authorized by this section include, but are not limited to, the adoption of rules and the joint procurement, with other member states, of goods and services in furtherance of the cooperative agreement.*

(c) *The executive director of the department or his or her designee may represent this state before the other states that are signatories to the agreement.*

(3) *The executive director of the department may not enter into the Streamlined Sales and Use Tax Agreement unless the agreement requires each state to abide by the following requirements:*

(a) *The agreement must set restrictions to limit, over time, the number of state tax rates.*

(b) *The agreement must establish uniform standards for:*

1. *The sourcing of transactions to taxing jurisdictions.*
2. *The administration of exempt sales.*
3. *Sales and use tax returns and remittances.*

(c) *The agreement must provide a central electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states.*

(d) *The agreement must provide that registration with the central registration system and the collection of sales and use taxes in the signatory state will not be used as a factor in determining whether the seller has nexus with a state for any tax.*

(e) *The agreement must provide for reduction of the burdens of complying with local sales and use taxes through:*

1. *Restricting variances between the state and local tax bases.*
2. *Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers who collect and remit these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions.*
3. *Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes.*

4. Providing notice of changes in local sales and use tax rates and of local changes in the boundaries of local taxing jurisdictions.

(f) The agreement must outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint study by the public and private sectors, which must be completed by July 1, 2002, of the compliance cost to sellers and certified service providers of collecting sales and use taxes for state and local governments under various levels of complexity.

(g) The agreement must require each state to certify compliance with the terms of the agreement before joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member.

(h) The agreement must require each state to adopt a uniform policy for certified service providers which protects the privacy of consumers and maintains the confidentiality of tax information.

(i) The agreement must provide for the appointment of an advisory council of private-sector representatives and an advisory council of nonmember state representatives to consult within the administration of the agreement.

(4) For the purposes of reviewing or amending the agreement to embody the simplification requirements as set forth in subsection (3), this state shall enter into multistate discussions. For purposes of such discussions, this state shall be represented by three delegates, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and the executive director of the department or his or her designee.

(5) No provision of the agreement authorized by this section in whole or in part invalidates or amends any provision of the laws of this state. Adoption of the agreement by this state does not amend or modify any law of the state. Implementation of any condition of the agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by the action of the state.

(6) The agreement authorized by this section is an accord among individual cooperating sovereigns in furtherance of their governmental functions. The agreement provides a mechanism among the member states to establish and maintain a cooperative, simplified system for the application and administration of sales and use taxes under the duly adopted law of each member state.

(7)(a) The agreement authorized by this act binds and inures only to the benefit of this state and the other member states. No person, other than a member state, is an intended beneficiary of the agreement. Any benefit to a person other than a state is established by the laws of this state and of other member states and not by the terms of the agreement.

(b) Consistent with paragraph (a), no person has any cause of action or defense under the agreement or by virtue of this state's approval of the agreement. No person may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of this state, or of any political subdivision of this state, on the ground that the action or inaction is inconsistent with the agreement.

(c) No law of this state, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the agreement.

(8)(a) A certified service provider is the agent of a seller with whom the certified service provider has contracted for the collection and remittance of sales and use taxes. As the seller's agent, the certified service provider is liable for sales and use tax due each member state on all sales transactions it processes for the seller except as set out in this subsection.

(b) A seller that contracts with a certified service provider is not liable to the state for sales or use tax due on transactions processed by the certified service provider unless the seller has misrepresented the type of items it sells or has committed fraud. In the absence of probable cause to believe that the seller has committed fraud or made a material

misrepresentation, the seller is not subject to audit on the transactions processed by the certified service provider. A seller is subject to audit for transactions that have not been processed by the certified service provider. The member states acting jointly may perform a system check of the seller and review the seller's procedures to determine if the certified service provider's system is functioning properly and to determine the extent to which the seller's transactions are being processed by the certified service provider.

(c) A person that provides a certified automated system is responsible for the proper functioning of that system and is liable to the state for underpayments of tax attributable to errors in the functioning of the certified automated system. A seller that uses a certified automated system remains responsible and is liable to the state for reporting and remitting tax.

(d) A seller that has a proprietary system for determining the amount of tax due on transactions and has signed an agreement establishing a performance standards for that system is liable for the failure of the system to meet the performance standard.

(9) Disclosure of information necessary under this section must be pursuant to a written agreement between the executive director of the department or his or her designee and the certified service provider. The certified service provider is bound by the same requirements of confidentiality as the department. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) On or before January 1 annually, the department shall provide recommendations to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives for provisions to be adopted for inclusion within the system which are necessary to bring it into compliance with the Streamlined Sales and Use Tax Agreement.

Section 19. Subsection (2) of section 213.285, Florida Statutes, is amended to read:

213.285 Certified audits.—

(2)(a) The department is authorized to initiate a certified audits project to further enhance tax compliance reviews performed by qualified practitioners and to encourage taxpayers to hire qualified practitioners at their own expense to review and report on their tax compliance. The nature of certified audit work performed by qualified practitioners shall be agreed-upon procedures in which the department is the specified user of the resulting report.

(b) As an incentive for taxpayers to incur the costs of a certified audit, the department shall compromise penalties and abate interest due on any tax liabilities revealed by a certified audit as provided in s. 213.21. This authority to compromise penalties or abate interest shall not apply to any liability for taxes that were collected by the participating taxpayer but that were not remitted to the department.

(c) The certified audits project is repealed on July 1, 2006 ~~2002~~, or upon completion of the project as determined by the department, whichever occurs first.

Section 20. Paragraph (n) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(n) Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related to a certified public accountant participating in the certified audits project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audits project. In any judicial proceeding brought by the

department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section. This paragraph is repealed on July 1, 2006 ~~2002~~.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 21. Subsection (8) of section 213.21, Florida Statutes, is amended to read:

213.21 Informal conferences; compromises.—

(8) In order to determine whether certified audits are an effective tool in the overall state tax collection effort, the executive director of the department or the executive director's designee shall settle or compromise penalty liabilities of taxpayers who participate in the certified audits project. As further incentive for participating in the program, the department shall abate the first \$25,000 of any interest liability and 25 percent of any interest due in excess of the first \$25,000. A settlement or compromise of penalties or interest pursuant to this subsection shall not be subject to the provisions of paragraph (3)(a), except for the requirement relating to confidentiality of records. The department may consider an additional compromise of tax or interest pursuant to the provisions of paragraph (3)(a). This subsection does not apply to any liability related to taxes collected but not remitted to the department. This subsection is repealed on July 1, 2006 ~~2002~~.

Section 22. Section 213.30, Florida Statutes, is amended to read:

213.30 Compensation for information relating to a violation of the tax laws.—

(1) The executive director of the department, pursuant to rules adopted by the department, is authorized to compensate persons providing information to the department leading to:

(a) The punishment of, or collection of taxes, penalties, or interest from, any person with respect to the taxes enumerated in s. 213.05. The amount of any payment made under this paragraph may not exceed 10 percent of any tax, penalties, or interest collected as a result of such information.

(b) The identification and registration of a taxpayer who is not in compliance with the registration requirements of any tax statute that is listed in s. 213.05. The amount of the payment made to any person who provides information to the department which results in the registration of a noncompliant taxpayer shall be \$100. The reward authorized in this paragraph shall be paid only if the noncompliant taxpayer:

1. Conducts business from a permanent, fixed location;
2. Is engaged in a bona fide taxable activity; and
3. Is found by the department to have an unpaid tax liability.

(2) Any employee of the department or of any other state or federal agency who comes into possession of information relating to a violation of a revenue law while an employee of such agency may provide information to the department of the type described in subsection (1), but the employee may not be compensated under this section. Any former employee of the department or any other state or federal agency who came into possession of information relating to a violation of a revenue law while an employee of such agency may provide information to the department of the type described in subsection (1), but the former employee may not receive compensation under this section.

(3) *Notwithstanding the provisions of any other law, this section is the sole means by which any person may obtain any moneys as the result of or in relation to the failure by another person to comply with the tax laws of this state. The use of any other law to obtain moneys for such failure is in derogation of this statute and conflicts with the state's duty to administer the tax laws.*

Section 23. *The amendment to section 213.30, Florida Statutes, made by this act does not apply to any case in litigation or under seal on the effective date of this act.*

Section 24. Paragraph (f) of subsection (4) of section 11 of chapter 2000-165, Laws of Florida, is amended to read:

(4) Effective October 1, 2000, the following programs and functions are transferred to the Agency for Workforce Innovation:

(f) The Division of Unemployment Compensation is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Workforce Innovation. The resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the Office of the Secretary or any other division, office, bureau, or unit within the Department of Labor and Employment Security that support the Division of Unemployment Compensation are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security. By January 1, 2001, the Agency for Workforce Innovation shall enter into a contract with the Department of Revenue which shall provide for the Department of Revenue to provide unemployment tax collection services. The Department of Revenue, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed to provide unemployment tax collection services within the Department of Revenue. The number of unemployment tax collection service positions the Department of Revenue determines are needed shall not exceed the number of positions that, prior to the contract, were authorized to the Department of Labor and Employment Security for this purpose. Upon entering into the contract with the Agency for Workforce Innovation to provide unemployment tax collection services, the number of required positions, as determined by the Department of Revenue, shall be authorized within the Department of Revenue. Beginning January 1, 2002, the Office of Program Policy Analysis and Government Accountability shall conduct a feasibility study regarding privatization of unemployment tax collection services. A report on the conclusions of this study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. *The Department of Revenue is considered to be administering a revenue law of this state when it provides unemployment compensation tax collection services pursuant to its contract with the Agency for Workforce Innovation. The following provisions of chapter 213, Florida Statutes, apply to the collection of unemployment contributions by the Department of Revenue unless prohibited by federal law: ss. 213.018, 213.025, 213.051, 213.053, 213.055, 213.071, 213.10, 213.21(2), (3), (4), (5), (6), (7), and (8), 213.2201, 213.23, 213.24, 213.25, 213.26, 213.27, 213.28, 213.285, 213.30, 213.34, 213.37, 213.50, 213.67, 213.69, 213.73, 213.731, 213.732, 213.733, 213.74, 213.755, and 213.757.*

Section 25. Subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the following procedure may be followed as an alternative to any other sale procedure if so ordered by the court:

(7) **DISBURSEMENTS OF PROCEEDS.**—On filing a certificate of title the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment, and shall file a report of such disbursements and serve a copy of it on each party not in default, and on the Department of Revenue, if it was named as a defendant in the action or if the Agency for Workforce Innovation or the Florida Department of Labor and Employment Security was named as a defendant while the Department of Revenue was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation, in substantially the following form:

(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

The undersigned clerk of the court certifies that he or she disbursed the proceeds received from the sale of the property as provided in the order or final judgment to the persons and in the amounts as follows:

Name	Amount
	Total

WITNESS my hand and the seal of the court on . . . , . . . (year). . . .
 . . . (Clerk). . . .
 By . . . (Deputy Clerk). . . .

If no objections to the report are served within 10 days after it is filed, the disbursements by the clerk shall stand approved as reported. If timely objections to the report are served, they shall be heard by the court. Service of objections to the report does not affect or cloud the title of the purchaser of the property in any manner.

Section 26. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for child support, or interest in an unemployment compensation tax lien pursuant to a contract with the Agency for Workforce Innovation, against the subject property and with the same priority, regardless of whether a default against the department, the Agency for Workforce Innovation, or the Department of Labor and Employment Security has been entered for failure to file an answer or other responsive pleading.

Section 27. Subsection (1) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; chapter 175, municipal firefighters' pension trust funds; chapter 185, municipal police officers' retirement trust funds; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; chapter 221, emergency excise tax; s. 252.372, emergency management, preparedness, and assistance surcharge; s. 370.07(3), Apalachicola Bay oyster surcharge; chapter 376, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; ss. 624.501 and 624.509-624.515, insurance code; s. 681.117, motor vehicle warranty enforcement; and s. 896.102, reports of financial transactions in trade or business. *The provisions of this section, except paragraph (7)(f), also apply to chapter 443 while the department is performing tax collection services for the Agency for Workforce Innovation pursuant to chapter 2000-165, Laws of Florida; however, the exceptions to confidentiality contained in ss. 443.171(7) and 443.1715 remain in full force and effect.*

Section 28. *Effective July 1, 2001, notwithstanding section 10 of chapter 90-110, Laws of Florida, subsection (3) of section 215.20, Florida Statutes, shall not expire on October 1, 2001, as scheduled by that law, but subsection (3) of section 215.20, Florida Statutes, is revived and readopted.*

Section 29. *Effective upon becoming a law, and applying retroactively to June 1, 2001, if this act does not become a law by that date, section 4 of chapter 96-395, Laws of Florida, is repealed.*

Section 30. Subsection (8) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(8) *The taxes imposed by this section do not apply to deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, is granted, assigned, transferred, or otherwise conveyed from an electric utility to a regional transmission organization under the jurisdiction of the Federal Energy Regulatory Commission.*

Section 31. Paragraph (g) of subsection (10) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(10) "Lease," "let," or "rental" means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps and real property, the same being defined as follows:

(g) "Lease," "let," or "rental" also means the leasing or rental of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such property, except as expressly provided to the contrary herein. The term "lease," "let," or "rental" does not mean hourly, daily, or mileage charges, to the extent that such charges are subject to the jurisdiction of the ~~Surface Transportation Board United States Interstate Commerce Commission~~, when such charges are paid by reason of the presence of railroad cars owned by another on the tracks of the taxpayer, or charges made pursuant to car service agreements. *The terms "lease," "let," "rental," or "license" do not include payments by a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission which are made to an electric utility in connection with the regional transmission organization's use or control of the utility's high-voltage bulk transmission facilities.* However, where two taxpayers, in connection with the interchange of facilities, rent or lease property, each to the other, for use in providing or furnishing any of the services mentioned in s. 166.231, the term "lease or rental" means only the net amount of rental involved.

Section 32. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)

(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).
4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 and includes a regional transmission

organization operating under the jurisdiction of the Federal Energy Regulatory Commission. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable

pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license payment which is based on a percentage of sales and not based on a fixed price.

13. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

Section 33. Effective July 1, 2003, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, as amended by section 3 of chapter 2000-345, Laws of Florida, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advise ment issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business"

means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

Section 34. Subsection (1) and paragraph (a) of subsection (2) of section 201.08, Florida Statutes, are amended to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(1)(a) On promissory notes, nonnegotiable notes, written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, the tax shall be 35 cents on each \$100 or fraction thereof of the indebtedness or obligation evidenced thereby. *The tax on any document described in this paragraph shall not exceed \$2,450.*

(b) On mortgages, trust deeds, security agreements, or other evidences of indebtedness filed or recorded in this state, and for each renewal of the same, the tax shall be 35 cents on each \$100 or fraction thereof of the indebtedness or obligation evidenced thereby. Mortgages, including, but not limited to, mortgages executed without the state and recorded in the state, which incorporate the certificate of indebtedness, not otherwise shown in separate instruments, are subject to the same tax at the same rate. When there is both a mortgage, trust deed, or security agreement and a note, certificate of indebtedness, or obligation, the tax shall be paid on the mortgage, trust deed, or security agreement at the time of recordation. A notation shall be made on the note, certificate of indebtedness, or obligation that the tax has been paid on the mortgage, trust deed, or security agreement. If the mortgage, trust deed, security agreement, or other evidence of indebtedness subject to the tax levied by this section secures future advances, as provided in s. 697.04, the tax shall be paid at the time of recordation on the initial debt or obligation secured, excluding future advances; at the time and so often as any future advance is made, the tax shall be paid on all sums then advanced regardless of where such advance is made. Notwithstanding the aforesaid general rule, any increase in the amount of original indebtedness caused by interest accruing under an adjustable rate note or mortgage having an initial interest rate adjustment interval of not less than 6 months shall be taxable as a future advance only to the extent such increase is a computable sum certain when the document is executed. Failure to pay the tax shall not affect the lien for any such future advance given by s. 697.04, but any person who fails or refuses to pay such tax due by him or her is guilty of a misdemeanor of the first degree. The mortgage, trust deed, or other instrument shall not be enforceable in any court of this state as to any such advance unless and until the tax due thereon upon each advance that may have been made thereunder has been paid.

(2)(a) On promissory notes, nonnegotiable notes, written obligations to pay money, or other compensation, made, executed, delivered, sold, transferred, or assigned in the state, in connection with sales made under retail charge account services, incident to sales which are not conditional in character and which are not secured by mortgage or other pledge of purchaser, the tax shall be 35 cents on each \$100 or fraction thereof of the gross amount of the indebtedness evidenced by such instruments, payable quarterly on such forms and under such rules and regulations as may be promulgated by the Department of Revenue. *The tax on any document described in this paragraph shall not exceed \$2,450.*

Section 35. Effective upon this act becoming a law and applying retroactively to December 21, 2000, section 443.1315, Florida Statutes, is created to read:

443.1315 Treatment of Indian tribes.—

(1) As used in this section, the term:

(a) “Employer” includes any Indian tribe for which service in employment as defined by this chapter is performed.

(b) “Employment” includes service performed in the employ of an Indian tribe, as defined by s. 3306(u) of the Federal Unemployment Tax Act, provided such service is excluded from “employment,” as defined by that act, solely by reason of s. 3306(c)(7) of said act and is not otherwise excluded from “employment” under this chapter. For purposes of this section, the exclusions from employment under s. 443.036(21)(d) shall be applicable to services performed in the employ of an Indian tribe.

(2) Benefits based on service in employment, as defined by this section, shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter.

(3)(a) Indian tribes or tribal units, including subdivisions, subsidiaries, or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the Unemployment Compensation Trust Fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe.

(b) Indian tribes electing to make payments in lieu of contributions must make such election in the same manner and under the same conditions as provided by s. 443.131 for state and local governments and nonprofit organizations subject to this chapter. Indian tribes shall determine if reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal units, or by combinations of individual tribal units.

(c) Indian tribes or tribal units shall be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.

(d) At the discretion of the director of the Agency for Workforce Innovation or his or her designee, any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, within 90 days after the effective date of its election, to:

1. Execute and file with the director or his or her designee a surety bond approved by the director or his or her designee; or

2. Deposit with the director or his or her designee money or securities on the same basis as other employers with the same election option.

(4)(a)1. Failure of the Indian tribe or tribal unit to make required payments, including assessments of interest and penalty, within 90 days after receipt of the bill, will cause the Indian tribe to lose the option to make payments in lieu of contributions, as described in subsection (3), for the following tax year, unless payment in full is received before contribution rates for the next tax year are computed.

2. Any Indian tribe that loses the option to make payments in lieu of contributions due to late payment or nonpayment, as described in subparagraph 1., shall have such option reinstated if, after a period of 1 year, all contributions have been made timely, provided no contributions, payments in lieu of contributions for benefits paid, penalties, or interest remain outstanding.

(b)1. Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalty, after all collection activities deemed necessary by the director of the Agency for Workforce Innovation or his or her designee have been exhausted, will cause services performed for such tribe to not be treated as “employment” for purposes of paragraph (1)(b).

2. The director or his or her designee may determine that any Indian tribe that loses coverage under subparagraph 1. may have services performed for such tribe again included as “employment” for purposes of paragraph (1)(b) if all contributions, payments in lieu of contributions, penalties, and interest have been paid.

(c) If an Indian tribe fails to make payments required under this section, including assessments of interest and penalty, within 90 days after a final notice of delinquency, the director of the Agency for Workforce Innovation shall immediately notify the United States Internal Revenue Service and the United States Department of Labor.

(5) Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed timeframe:

(a) Will cause the Indian tribe to be liable for taxes under the Federal Unemployment Tax Act.

(b) Will cause the Indian tribe to lose the option to make payments in lieu of contributions.

(c) Could cause the Indian tribe to be excepted from the definition of “employer,” as provided in paragraph (1)(a), and services in the employ of the Indian tribe, as provided in paragraph (1)(b), to be excepted from “employment.”

(6) Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the Federal Government shall be financed in their entirety by such Indian tribe.

(7) The Agency for Workforce Innovation is authorized to adopt any rules it deems necessary to implement this section.

Section 36. Paragraph (e) of subsection (3) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(e)1. Variations from the standard rate of contributions shall be assigned with respect to each calendar year to employers eligible therefor. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors provided for in sub-subparagraphs a.-c. will be added to the benefit ratio. This addition will be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor as defined below. The sum of these adjustment factors provided for in sub-subparagraphs a.-c. will first be algebraically summed. The sum of these adjustment factors will then be divided by a gross benefit ratio to be determined as follows: Total benefit payments for the previous 3 years, as defined in subparagraph (b)1., charged to employers eligible to be assigned a contribution rate different from the standard rate minus excess payments for the same period divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to the gross benefit ratio will be multiplied by each individual benefit ratio below the maximum tax rate to obtain variable adjustment factors; except that in any instance in which the sum of an employer’s individual benefit ratio and variable adjustment factor exceeds the maximum tax rate, the variable adjustment factor will be reduced so that the sum equals the maximum tax rate. The variable adjustment factor of each such employer will be multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products will be divided by the taxable payroll of such employers that entered into the computation of their benefit ratios. The resulting ratio will be subtracted from the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor will be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor will be added to the variable adjustment factor and benefit ratio of each employer to obtain each employer’s

contribution rate; however, at no time shall an employer's contribution rate be rounded to less than 0.1 percent.

a. An adjustment factor for noncharge benefits will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the amount of benefit payments noncharged in the 3 preceding years as defined in subparagraph (b)1. by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the taxable payrolls for the 3 years ending June 30 of the current calendar year that had been reported to the division by September 30 of the same calendar year. Noncharge benefits for the purpose of this section shall be defined as benefit payments to an individual which were paid from the Unemployment Compensation Trust Fund but which were not charged to the unemployment record of any employer.

b. An excess payments adjustment factor will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the total excess payments during the 3 preceding years as defined in subparagraph (b)1. by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the same as used in computing the noncharge adjustment factor as described in sub-subparagraph a. The term "excess payments" for the purpose of this section is defined as the amount of benefit payments charged to the employment record of an employer during the 3 preceding years, as defined in subparagraph (b)1., less the product of the maximum contribution rate and his or her taxable payroll for the 3 years ending June 30 of the current calendar year that had been reported to the division by September 30 of the same calendar year. The term "total excess payments" is defined as the sum of the individual employer excess payments for those employers that were eligible to be considered for assignment of a contribution rate different from the standard rate.

c. If the balance in the Unemployment Compensation Trust Fund as of June 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 3.74 percent of the taxable payrolls for the year ending June 30 as reported to the division by September 30 of that calendar year, a positive adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of June 30 of such calendar year and the sum of 4.75 percent of the total taxable payrolls for that year. Such adjustment factor will remain in effect in subsequent years until a balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of such contribution rate equals or exceeds 3.74 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year. If the balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 4.75 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year, a negative adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of June 30 of the current calendar year and 4.75 percent of the total taxable payrolls of such year. Such adjustment factor will remain in effect in subsequent years until the balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of such contribution rate is less than 4.75 percent but more than 3.74 percent of the taxable payrolls for the year

ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year.

d. The maximum contribution rate that can be assigned to any employer shall be 5.4 percent, except those employers participating in an approved short-time compensation plan in which case the maximum shall be 1 percent above the current maximum contribution rate, with respect to any calendar year in which short-time compensation benefits are in the employer's employment record.

2. In the event of the transfer of employment records to an employing unit pursuant to paragraph (g) which, prior to such transfer, was an employer, the division shall recompute a benefit ratio for the successor employer on the basis of the combined employment records and reassign an appropriate contribution rate to such successor employer as of the beginning of the calendar quarter immediately following the effective date of such transfer of employment records.

Section 37. 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 cents is imposed upon each ounce of liquor and each 4 ounces of wine, a surcharge of 2 cents is imposed on each 12 ounces of cider, and a surcharge of 1.34 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 a nonprofit organization that is licensed by the division under s. 561.422 or s. 565.02(4) 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)(2), (3), (4), (5), (6), (7), (8), (10), or (19) of the Internal Revenue Code of 1986, as amended.

Section 38. Effective July 1, 2001, subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 39. Effective July 1, 2001, section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 40. Effective July 1, 2001, section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 Procedures for holding and conducting school district millage elections.—

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—*All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) **RESULTS OF ELECTION.**—*When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

(5) **EXPENSES OF ELECTION.**—*The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

Section 41. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term "section 38 property" with an express definition of the terms "industrial machinery and equipment" and "motion picture and video equipment"; providing intent and purpose; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term "fixtures"; eliminating reference to the term "trade fixture"; amending s. 212.08, F.S.; replacing

the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 212.11, F.S.; requiring a dealer that claims certain tax credits by reason of engaging in specified activities to submit reports to the Department of Revenue; providing requirements for such reports; authorizing the department to adopt rules; providing for the disallowance of any credit not supported by a report; amending s. 212.20, F.S.; providing that newly incorporated municipalities meeting certain criteria are eligible to receive revenue sharing pursuant to s. 218.245, F.S.; amending s. 218.21, F.S.; providing a formula for revenue sharing distributions made for a specified fiscal year; amending s. 220.22, F.S.; eliminating the initial year's information return for certain corporations; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; amending s. 213.285, F.S.; delaying the future repeal of the certified audit project; amending ss. 213.053, 213.21, F.S.; conforming repeal dates; amending s. 213.30, F.S.; clarifying that the rewards program is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; abrogating the expiration of s. 215.20(3), F.S., relating to service charges against certain trust funds, notwithstanding s. 10, ch. 90-110, Laws of Florida; repealing s. 4 of ch. 96-395, Laws of Florida, which provides for the repeal of exemptions provided for certain citizen support organizations and the Florida Folk Festival; providing for retroactive applicability; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 201.08, F.S.; providing a limit on the amount of the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency

for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing effective dates.

Representative(s) Wallace offered the following:

(Amendment Bar Code: 392055)

House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 1, line 17, through

Page 97, line 7

remove from the amendment: all of said lines

and insert in lieu thereof:

Section 1. *Subsection (6) of section 212.084, Florida Statutes, is repealed.*

Section 2. Effective July 1, 2001, paragraph (a) of subsection (4) and subsection and (7) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes. The sale of drinking water in bottles, cans, or other containers, including water that contains minerals or carbonation in its natural state or water to which minerals have been added at a water treatment facility regulated by the Department of Environmental Protection or the Department of Health, is exempt. This exemption does not apply to the sale of drinking water in bottles, cans, or other containers if carbonation, ~~minerals~~, or flavorings, except those added at a water treatment facility, have been added. *Water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings is also exempt.*

2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and diesel fuel is taxable as provided in this chapter with the exception of fuel expressly exempt herein. Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax shall be set

forth in s. 212.054. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

(7) MISCELLANEOUS EXEMPTIONS.—*Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and must pay the tax. The department may adopt rules to administer this subsection.*

(a) Artificial commemorative flowers.—Exempt from the tax imposed by this chapter is the sale of artificial commemorative flowers by bona fide nationally chartered veterans' organizations.

(b) Boiler fuels.—When purchased for use as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material, coal, sulfur, wood, wood residues or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state are exempt from the taxes imposed by this chapter; however, such exemption shall not be allowed unless the purchaser signs a certificate stating that the fuel to be exempted is for the exclusive use designated herein. This exemption does not apply to the use of boiler fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale, or to the use of boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(c) Crustacea bait.—Also exempt from the tax imposed by this chapter is the purchase by commercial fishers of bait intended solely for use in the entrapment of *Callinectes sapidus* and *Menippe mercenaria*.

(d) Feeds.—Feeds for poultry, ostriches, and livestock, including racehorses and dairy cows, are exempt.

(e) Film rentals.—Film rentals are exempt when an admission is charged for viewing such film, and license fees and direct charges for films, videotapes, and transcriptions used by television or radio stations or networks are exempt.

(f) Flags.—Also exempt are sales of the flag of the United States and the official state flag of Florida.

(g) Florida Retired Educators Association and its local chapters.—Also exempt from payment of the tax imposed by this chapter are purchases of office supplies, equipment, and publications made by the Florida Retired Educators Association and its local chapters.

(h) Guide dogs for the blind.—Also exempt are the sale or rental of guide dogs for the blind, commonly referred to as "seeing-eye dogs," and the sale of food or other items for such guide dogs.

1. The department shall issue a consumer's certificate of exemption to any blind person who holds an identification card as provided for in s. 413.091 and who either owns or rents, or contemplates the ownership or rental of, a guide dog for the blind. The consumer's certificate of exemption shall be issued without charge and shall be of such size as to be capable of being carried in a wallet or billfold.

2. The department shall make such rules concerning items exempt from tax under the provisions of this paragraph as may be necessary to provide that any person authorized to have a consumer's certificate of exemption need only present such a certificate at the time of paying for exempt goods and shall not be required to pay any tax thereon.

(i) Hospital meals and rooms.—Also exempt from payment of the tax imposed by this chapter on rentals and meals are patients and inmates of any hospital or other physical plant or facility designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated, or otherwise dependent on special care or attention. Residents of a home for the aged are exempt from payment of taxes on meals provided through the facility. A home for the aged is defined as a facility that is licensed or certified in part or in whole under chapter 400 or chapter 651, or that is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), s. 232, or s. 236 of the National Housing Act, or other such similar facility designed and operated primarily for the care of the aged.

(j) Household fuels.—Also exempt from payment of the tax imposed by this chapter are sales of utilities to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, and sales of fuel to residential households or owners of residential models, including oil, kerosene, liquefied petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption. For the purposes of this paragraph, licensed family day care homes shall also be exempt.

(k) Meals provided by certain nonprofit organizations.—There is exempt from the tax imposed by this chapter the sale of prepared meals by a nonprofit volunteer organization to handicapped, elderly, or indigent persons when such meals are delivered as a charitable function by the organization to such persons at their places of residence.

(l) Organizations providing special educational, cultural, recreational, and social benefits to minors.—Also exempt from the tax imposed by this chapter are sales or leases to and sales of donated property by nonprofit organizations which are incorporated pursuant to chapter 617 the primary purpose of which is providing activities that contribute to the development of good character or good sportsmanship, or to the educational or cultural development, of minors. This exemption is extended only to that level of the organization that has a salaried executive officer or an elected nonsalaried executive officer. For the purpose of this paragraph, the term “donated property” means any property transferred to such nonprofit organization for less than 50 percent of its fair market value.

(m) Religious institutions.—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases directly to religious institutions when used in carrying on their customary nonprofit religious activities or sales or leases of tangible personal property by religious institutions having an established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

2. As used in this paragraph, the term “religious institutions” means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term “religious institutions” includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term “religious institutions” also includes nonprofit state, nonprofit district, or other nonprofit governing or administrative offices the function of which is to assist or regulate the customary activities of religious institutions. The term “religious institutions” also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term “religious institutions”

also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, the primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge. The term “religious institutions” also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, the sole or primary function of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administrative assistance, or missionary assistance for a church, synagogue, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.

(n) Veterans’ organizations.—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases to qualified veterans’ organizations and their auxiliaries when used in carrying on their customary veterans’ organization activities.

2. As used in this paragraph, the term “veterans’ organizations” means nationally chartered or recognized veterans’ organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code of 1986, as amended.

(o) Schools, colleges, and universities.—Also exempt from the tax imposed by this chapter are sales or leases to state tax-supported schools, colleges, or universities.

(p) Section 501(c)(3) organizations.—Also exempt from the tax imposed by this chapter are sales or leases to organizations determined by the Internal Revenue Service to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, when such leases or purchases are used in carrying on their customary nonprofit activities.

(q) Resource recovery equipment.—Also exempt is resource recovery equipment which is owned and operated by or on behalf of any county or municipality, certified by the Department of Environmental Protection under the provisions of s. 403.715.

(r) School books and school lunches.—This exemption applies to school books used in regularly prescribed courses of study, and to school lunches served in public, parochial, or nonprofit schools operated for and attended by pupils of grades K through 12. Yearbooks, magazines, newspapers, directories, bulletins, and similar publications distributed by such educational institutions to their students are also exempt. School books and food sold or served at community colleges and other institutions of higher learning are taxable.

(s) Tasting beverages.—Vinous and alcoholic beverages provided by distributors or vendors for the purpose of “wine tasting” and “spirituous beverage tasting” as contemplated under the provisions of ss. 564.06 and 565.12, respectively, are exempt from the tax imposed by this chapter.

(t) Boats temporarily docked in state.—

1. Notwithstanding the provisions of chapter 328, pertaining to the registration of vessels, a boat upon which the state sales or use tax has not been paid is exempt from the use tax under this chapter if it enters and remains in this state for a period not to exceed a total of 20 days in any calendar year calculated from the date of first dockage or slippage at a facility, registered with the department, that rents dockage or slippage space in this state. If a boat brought into this state for use under this paragraph is placed in a facility, registered with the department, for repairs, alterations, refitting, or modifications and such repairs, alterations, refitting, or modifications are supported by written documentation, the 20-day period shall be tolled during the time the boat is physically in the care, custody, and control of the repair facility, including the time spent on sea trials conducted by the facility. The 20-day time period may be tolled only once within a calendar year when a

boat is placed for the first time that year in the physical care, custody, and control of a registered repair facility; however, the owner may request and the department may grant an additional tolling of the 20-day period for purposes of repairs that arise from a written guarantee given by the registered repair facility, which guarantee covers only those repairs or modifications made during the first tolled period. Within 72 hours after the date upon which the registered repair facility took possession of the boat, the facility must have in its possession, on forms prescribed by the department, an affidavit which states that the boat is under its care, custody, and control and that the owner does not use the boat while in the facility. Upon completion of the repairs, alterations, refitting, or modifications, the registered repair facility must, within 72 hours after the date of release, have in its possession a copy of the release form which shows the date of release and any other information the department requires. The repair facility shall maintain a log that documents all alterations, additions, repairs, and sea trials during the time the boat is under the care, custody, and control of the facility. The affidavit shall be maintained by the registered repair facility as part of its records for as long as required by s. 213.35. When, within 6 months after the date of its purchase, a boat is brought into this state under this paragraph, the 6-month period provided in s. 212.05(1)(a)2. or s. 212.06(8) shall be tolled.

2. During the period of repairs, alterations, refitting, or modifications and during the 20-day period referred to in subparagraph 1., the boat may be listed for sale, contracted for sale, or sold exclusively by a broker or dealer registered with the department without incurring a use tax under this chapter; however, the sales tax levied under this chapter applies to such sale.

3. The mere storage of a boat at a registered repair facility does not qualify as a tax-exempt use in this state.

4. As used in this paragraph, "registered repair facility" means:

a. A full-service facility that:

(I) Is located on a navigable body of water;

(II) Has haulout capability such as a dry dock, travel lift, railway, or similar equipment to service craft under the care, custody, and control of the facility;

(III) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(IV) Has necessary shops and equipment to provide repair or warranty work on vessels under the care, custody, and control of the facility;

b. A marina that:

(I) Is located on a navigable body of water;

(II) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(III) Has necessary shops and equipment to provide repairs or warranty work on vessels; or

c. A shoreside facility that:

(I) Is located on a navigable body of water;

(II) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(III) Has necessary shops and equipment to provide repairs or warranty work.

(u) Volunteer fire departments.—Also exempt are firefighting and rescue service equipment and supplies purchased by volunteer fire departments, duly chartered under the Florida Statutes as corporations not for profit.

(v) Professional services.—

1. Also exempted are professional, insurance, or personal service transactions that involve sales as inconsequential elements for which no separate charges are made.

2. The personal service transactions exempted pursuant to subparagraph 1. do not exempt the sale of information services involving the furnishing of printed, mimeographed, or multigraphed matter, or matter duplicating written or printed matter in any other manner, other than professional services and services of employees, agents, or other persons acting in a representative or fiduciary capacity or information services furnished to newspapers and radio and television stations. As used in this subparagraph, the term "information services" includes the services of collecting, compiling, or analyzing information of any kind or nature and furnishing reports thereof to other persons.

3. This exemption does not apply to any service warranty transaction taxable under s. 212.0506.

4. This exemption does not apply to any service transaction taxable under s. 212.05(1)(j).

(w) Certain newspaper, magazine, and newsletter subscriptions, shoppers, and community newspapers.—Likewise exempt are newspaper, magazine, and newsletter subscriptions in which the product is delivered to the customer by mail. Also exempt are free, circulated publications that are published on a regular basis, the content of which is primarily advertising, and that are distributed through the mail, home delivery, or newsstands. The exemption for newspaper, magazine, and newsletter subscriptions which is provided in this paragraph applies only to subscriptions entered into after March 1, 1997.

(x) Sporting equipment brought into the state.—Sporting equipment brought into Florida, for a period of not more than 4 months in any calendar year, used by an athletic team or an individual athlete in a sporting event is exempt from the use tax if such equipment is removed from the state within 7 days after the completion of the event.

(y) Charter fishing vessels.—The charge for chartering any boat or vessel, with the crew furnished, solely for the purpose of fishing is exempt from the tax imposed under s. 212.04 or s. 212.05. This exemption does not apply to any charge to enter or stay upon any "head-boat," party boat, or other boat or vessel. Nothing in this paragraph shall be construed to exempt any boat from sales or use tax upon the purchase thereof except as provided in paragraph (t) and s. 212.05.

(z) Vending machines sponsored by nonprofit or charitable organizations.—Also exempt are food or drinks for human consumption sold for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit corporation qualified as nonprofit pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of 1986, as amended.

(aa) Certain commercial vehicles.—Also exempt is the sale, lease, or rental of a commercial motor vehicle as defined in s. 207.002(2), when the following conditions are met:

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;

2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and

3. Florida sales tax was paid on the acquisition of such vehicle by the seller, lessor, or renter.

(bb) Community cemeteries.—Also exempt are purchases by any nonprofit corporation that has qualified under s. 501(c)(13) of the Internal Revenue Code of 1986, as amended, and is operated for the purpose of maintaining a cemetery that was donated to the community by deed.

(cc) Works of art.—

1. Also exempt are works of art sold to or used by an educational institution.

2. This exemption also applies to the sale to or use in this state of any work of art by any person if it was purchased or imported exclusively for the purpose of being donated to any educational institution, or loaned to and made available for display by any educational institution, provided that the term of the loan agreement is for at least 10 years.

3. The exemption provided by this paragraph for donations is allowed only if the person who purchased the work of art transfers title to the donated work of art to an educational institution. Such transfer of title shall be evidenced by an affidavit meeting requirements established by rule to document entitlement to the exemption. Nothing in this paragraph shall preclude a work of art donated to an educational institution from remaining in the possession of the donor or purchaser, as long as title to the work of art lies with the educational institution.

4. A work of art is presumed to have been purchased in or imported into this state exclusively for loan as provided in subparagraph 2., if it is so loaned or placed in storage in preparation for such a loan within 90 days after purchase or importation, whichever is later; but a work of art is not deemed to be placed in storage in preparation for loan for purposes of this exemption if it is displayed at any place other than an educational institution.

5. The exemptions provided by this paragraph are allowed only if the person who purchased the work of art gives to the vendor an affidavit meeting the requirements, established by rule, to document entitlement to the exemption. The person who purchased the work of art shall forward a copy of such affidavit to the Department of Revenue at the time it is issued to the vendor.

6. The exemption for loans provided by subparagraph 2. applies only for the period during which a work of art is in the possession of the educational institution or is in storage before transfer of possession to that institution; and when it ceases to be so possessed or held, tax based upon the sales price paid by the owner is payable, and the statute of limitations provided in s. 95.091 shall begin to run at that time. However, tax shall not become due if the work of art is donated to an educational institution after the loan ceases.

7. Any educational institution to which a work of art has been donated pursuant to this paragraph shall make available to the department the title to the work of art and any other relevant information. Any educational institution which has received a work of art on loan pursuant to this paragraph shall make available to the department information relating to the work of art. Any educational institution that transfers from its possession a work of art as defined by this paragraph which has been loaned to it must notify the Department of Revenue within 60 days after the transfer.

8. For purposes of the exemptions provided by this paragraph, the term:

a. "Educational institutions" includes state tax-supported, parochial, church, and nonprofit private schools, colleges, or universities that conduct regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc.; nonprofit private schools that conduct regular classes and courses of study accepted for continuing education credit by a board of the Division of Medical Quality Assurance of the Department of Health; or nonprofit libraries, art galleries, performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year, and museums open to the public.

b. "Work of art" includes pictorial representations, sculpture, jewelry, antiques, stamp collections and coin collections, and other tangible personal property, the value of which is attributable predominantly to its artistic, historical, political, cultural, or social importance.

(dd) Taxicab leases.—The lease of or license to use a taxicab or taxicab-related equipment and services provided by a taxicab company to an independent taxicab operator are exempt, provided, however, the exemptions provided under this paragraph only apply if sales or use tax has been paid on the acquisition of the taxicab and its related equipment.

(ee) Aircraft repair and maintenance labor charges.—There shall be exempt from the tax imposed by this chapter all labor charges for the repair and maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight and rotary wing aircraft of more than 10,000 pounds maximum certified takeoff weight. Except as otherwise provided in this chapter, charges for parts and equipment furnished in connection with such labor charges are taxable.

(ff) Certain electricity or steam uses.—

1. Subject to the provisions of subparagraph 4., charges for electricity or steam used to operate machinery and equipment at a fixed location in this state when such machinery and equipment is used to manufacture, process, compound, produce, or prepare for shipment items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt to the extent provided in this paragraph. If 75 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 100 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 75 percent but 50 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 50 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 50 percent of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, none of the charges for electricity or steam used at the fixed location are exempt.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

4. Such exemption shall be applied as follows:

a. Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

b. Beginning July 1, 1997, 40 percent of the charges for such electricity shall be exempt.

c. Beginning July 1, 1998, 60 percent of the charges for such electricity or steam shall be exempt.

d. Beginning July 1, 1999, 80 percent of the charges for such electricity or steam shall be exempt.

e. Beginning July 1, 2000, 100 percent of the charges for such electricity or steam shall be exempt.

~~5. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must first register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.~~

5.6.a. In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity or steam has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Government Accountability shall monitor and report on the industries receiving the exemption.

b. The report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so.

c. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(gg) Fair associations.—Also exempt from the tax imposed by this chapter is the sale, use, lease, rental, or grant of a license to use, made directly to or by a fair association, of real or tangible personal property; any charge made by a fair association, or its agents, for parking, admissions, or for temporary parking of vehicles used for sleeping quarters; rentals, subleases, and sublicenses of real or tangible personal property between the owner of the central amusement attraction and any owner of an amusement ride, as those terms are used in ss. 616.15(1)(b) and 616.242(3)(a), for the furnishing of amusement rides at a public fair or exposition; and other transactions of a fair association which are incurred directly by the fair association in the financing, construction, and operation of a fair, exposition, or other event or facility that is authorized by s. 616.08. As used in this paragraph, the terms “fair association” and “public fair or exposition” have the same meaning as those terms are defined in s. 616.001. This exemption does not apply to the sale of tangible personal property made by a fair association through an agent or independent contractor; sales of admissions and tangible personal property by a concessionaire, vendor, exhibitor, or licensee; or rentals and subleases of tangible personal property or real property between the owner of the central amusement attraction and a concessionaire, vendor, exhibitor, or licensee, except for the furnishing of amusement rides, which transactions are exempt.

(hh) Citizen support organizations.—Also exempt from the tax imposed by this chapter are sales or leases to nonprofit organizations that are incorporated under chapter 617 and that have been designated citizen support organizations in support of state-funded environmental programs or the management of state-owned lands in accordance with s. 20.2551, or to support one or more state parks in accordance with s. 258.015.

(ii) Florida Folk Festival.—There shall be exempt from the tax imposed by this chapter income of a revenue nature received from admissions to the Florida Folk Festival held pursuant to s. 267.16 at the Stephen Foster State Folk Culture Center, a unit of the state park system.

(jj) Solar energy systems.—Also exempt are solar energy systems or any component thereof. The Florida Solar Energy Center shall from time to time certify to the department a list of equipment and requisite hardware considered to be a solar energy system or a component thereof. This exemption is repealed July 1, 2005.

(kk) Nonprofit cooperative hospital laundries.—Also exempt from the tax imposed by this chapter are sales or leases to nonprofit organizations that are incorporated under chapter 617 and which are treated, for federal income tax purposes, as cooperatives under subchapter T of the Internal Revenue Code, whose sole purpose is to offer laundry supplies and services to their members, which members must all be exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code.

(ll) Complimentary meals.—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged

room rate by any person offering for rent or lease any transient living accommodations as described in s. 509.013(4)(a) which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown. Such food or drinks are considered to be sold at retail as part of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

(mm) Nonprofit corporation conducting the correctional work programs.—Products sold pursuant to s. 946.515 by the corporation organized pursuant to part II of chapter 946 are exempt from the tax imposed by this chapter. This exemption applies retroactively to July 1, 1983.

(nn) Parent-teacher organizations, parent-teacher associations, and schools having grades K through 12.—Parent-teacher organizations and associations *the purpose of which is to raise funds for schools teaching grades K through 12 and which are qualified as educational institutions as defined by sub-subparagraph (cc)8.a.* associated with schools having grades K through 12, and schools having grades K through 12, may pay tax to their suppliers on the cost price of school materials and supplies purchased, rented, or leased for resale or rental to students in grades K through 12, of items sold for fundraising purposes, and of items sold through vending machines located on the school premises, in lieu of collecting the tax imposed by this chapter from the purchaser. This paragraph also applies to food or beverages sold through vending machines located in the student lunchroom or dining room of a school having kindergarten through grade 12.

(oo) Mobile home lot improvements.—Items purchased by developers for use in making improvements to a mobile home lot owned by the developer may be purchased tax-exempt as a sale for resale if made pursuant to a contract that requires the developer to sell a mobile home to a purchaser, place the mobile home on the lot, and make the improvements to the lot for a single lump-sum price. The developer must collect and remit sales tax on the entire lump-sum price.

(pp) Veterans Administration.—When a veteran of the armed forces purchases an aircraft, boat, mobile home, motor vehicle, or other vehicle from a dealer pursuant to the provisions of 38 U.S.C. s. 3902(a), or any successor provision of the United States Code, the amount that is paid directly to the dealer by the Veterans Administration is not taxable. However, any portion of the purchase price which is paid directly to the dealer by the veteran is taxable.

(qq) Complimentary items.—There is exempt from the tax imposed by this chapter:

1. Any food or drink, whether or not cooked or prepared on the premises, provided without charge as a sample or for the convenience of customers by a dealer that primarily sells food product items at retail.

2. Any item given to a customer as part of a price guarantee plan related to point-of-sale errors by a dealer that primarily sells food products at retail.

The exemptions in this paragraph do not apply to businesses with the primary activity of serving prepared meals or alcoholic beverages for immediate consumption.

(rr) Donated foods or beverages.—Any food or beverage donated by a dealer that sells food products at retail to a food bank or an organization that holds a current exemption from federal corporate income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended, is exempt from the tax imposed by this chapter.

(ss) Racing dogs.—The sale of a racing dog by its owner is exempt if the owner is also the breeder of the animal.

(tt) Equipment used in aircraft repair and maintenance.—There shall be exempt from the tax imposed by this chapter replacement engines, parts, and equipment used in the repair or maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight

and rotary wing aircraft of more than 10,300 pounds maximum certified takeoff weight, when such parts or equipment are installed on such aircraft that is being repaired or maintained in this state.

(uu) Aircraft sales or leases.—The sale or lease of an aircraft of more than 15,000 pounds maximum certified takeoff weight for use by a common carrier is exempt from the tax imposed by this chapter. As used in this paragraph, “common carrier” means an airline operating under Federal Aviation Administration regulations contained in Title 14, chapter I, part 121 or part 129 of the Code of Federal Regulations.

(vv) Nonprofit water systems.—Sales or leases to a not-for-profit corporation which holds a current exemption from federal income tax under s. 501(c)(4) or (12) of the Internal Revenue Code, as amended, are exempt from the tax imposed by this chapter if the sole or primary function of the corporation is to construct, maintain, or operate a water system in this state.

(ww) Library cooperatives.—Sales or leases to library cooperatives certified under s. 257.41(2) are exempt from the tax imposed by this chapter.

(xx) Advertising agencies.—

1. As used in this paragraph, the term “advertising agency” means any firm that is primarily engaged in the business of providing advertising materials and services to its clients.

2. The sale of advertising services by an advertising agency to a client is exempt from the tax imposed by this chapter. Also exempt from the tax imposed by this chapter are items of tangible personal property such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, digital audiotapes, analog tapes, printed advertisement copies, compact discs for the purpose of recording, digital equipment, and artwork and the services used to produce those items if the items are:

a. Sold to an advertising agency that is acting as an agent for its clients pursuant to contract, and are created for the performance of advertising services for the clients;

b. Produced, fabricated, manufactured, or otherwise created by an advertising agency for its clients, and are used in the performance of advertising services for the clients; or

c. Sold by an advertising agency to its clients in the performance of advertising services for the clients, whether or not the charges for these items are marked up or separately stated.

The exemption provided by this subparagraph does not apply when tangible personal property such as film, paper, and videotapes is purchased to create items such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, and artwork that are sold to an advertising agency or produced in-house by an advertising agency on behalf of its clients.

3. The items exempted from tax under subparagraph 2. and the creative services used by an advertising agency to design the advertising for promotional goods such as displays, display containers, exhibits, newspaper inserts, brochures, catalogues, direct mail letters or flats, shirts, hats, pens, pencils, key chains, or other printed goods or materials are not subject to tax. However, when such promotional goods are produced or reproduced for distribution, tax applies to the sales price charged to the client for such promotional goods.

4. For items purchased by an advertising agency and exempt from tax under this paragraph, possession of an exemption certificate from the advertising agency certifying the agency’s entitlement to exemption relieves the vendor of the responsibility of collecting the tax on the sale of such items to the advertising agency, and the department shall look solely to the advertising agency for recovery of tax if it determines that the advertising agency was not entitled to the exemption.

5. The exemptions provided by this paragraph apply retroactively, except that all taxes that have been collected must be remitted, and taxes that have been remitted before July 1, 1999, on transactions that are subject to exemption under this paragraph are not subject to refund.

6. The department may adopt rules that interpret or define the provisions of these exemptions and provide examples regarding the application of these exemptions.

(yy) Bullion.—The sale of gold, silver, or platinum bullion, or any combination thereof, in a single transaction is exempt if the sales price exceeds \$500. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of gold, silver, or platinum bullion and is exempt under this paragraph.

(zz) Certain repair and labor charges.—

1. Subject to the provisions of subparagraphs 2. and 3., there is exempt from the tax imposed by this chapter all labor charges for the repair of, and parts and materials used in the repair of and incorporated into, industrial machinery and equipment which is used for the manufacture, processing, compounding, production, or preparation for shipping of items of tangible personal property at a fixed location within this state.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this subparagraph, “SIC” means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. This exemption shall be applied as follows:

a. Beginning July 1, 1999, 25 percent of such charges for repair parts and labor shall be exempt.

b. Beginning July 1, 2000, 50 percent of such charges for repair parts and labor shall be exempt.

c. Beginning July 1, 2001, 75 percent of such charges for repair parts and labor shall be exempt.

d. Beginning July 1, 2002, 100 percent of such charges for repair parts and labor shall be exempt.

(aaa) Film and other printing supplies.—Also exempt are the following materials purchased, produced, or created by businesses classified under SIC Industry Numbers 275, 276, 277, 278, or 279 for use in producing graphic matter for sale: film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and negatives. As used in this paragraph, “SIC” means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

(bbb) People-mover systems.—People-mover systems, and parts thereof, which are purchased or manufactured by contractors employed either directly by or as agents for the United States Government, the state, a county, a municipality, a political subdivision of the state, or the public operator of a public-use airport as defined by s. 332.004(14) are exempt from the tax imposed by this chapter when the systems or parts go into or become part of publicly owned facilities. In the case of contractors who manufacture and install such systems and parts, this exemption extends to the purchase of component parts and all other manufacturing and fabrication costs. The department may provide a form to be used by contractors to provide to suppliers of people-mover systems or parts to certify the contractors’ eligibility for the exemption provided under this paragraph. As used in this paragraph, “people-mover systems” includes wheeled passenger vehicles and related control and power distribution systems that are part of a transportation system for use by the general public, regardless of whether such vehicles are operator-controlled or driverless, self-propelled or propelled by external power and control systems, or conducted on roads, rails, guidebeams, or other permanent structures that are an integral part of such transportation system. “Related control and power distribution systems” includes any electrical or electronic control or signaling equipment, but does not include the embedded wiring, conduits, or

cabling used to transmit electrical or electronic signals among such control equipment, power distribution equipment, signaling equipment, and wheeled vehicles.

~~(eee) Organizations providing crime prevention, drunk driving prevention, or juvenile delinquency prevention services. Sales or leases to any nonprofit organization that provides crime prevention services, drunk driving prevention services, or juvenile delinquency prevention services that benefit society as a whole are exempt from the tax imposed by this chapter, if the organization holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code and the organization has as its sole or primary purpose the provision of services that contribute to the prevention of hardships caused by crime, drunk driving, or juvenile delinquency.~~

~~(ccc)(ddd)~~ Florida Fire and Emergency Services Foundation.—Sales or leases to the Florida Fire and Emergency Services Foundation are exempt from the tax imposed by this chapter.

~~(ddd)(eee)~~ Railroad roadway materials.—Also exempt from the tax imposed by this chapter are railroad roadway materials used in the construction, repair, or maintenance of railways. Railroad roadway materials shall include rails, ties, ballasts, communication equipment, signal equipment, power transmission equipment, and any other track materials.

~~Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.~~

Section 3. (1) *The amendments to paragraphs (ff) and (nn) of subsection (7) of section 212.08, Florida Statutes, which are made by section 2 of this act apply retroactively to July 1, 2000.*

(2) *The amendments to the introductory paragraph, to paragraph (p), and to the final, flush-left passage of subsection (7) of section 212.08, Florida Statutes, which are made by section 2 of this act are made to clarify rather than change existing law, and these amendments apply retroactively to January 1, 2001.*

Section 4. Effective upon this act becoming a law and applying retroactively to July 1, 1996, paragraph (c) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) Machinery and equipment used in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which machinery and equipment are necessary in the production of electrical or steam energy resulting from the burning of boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.

2. In facilities where machinery and equipment are necessary to burn both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels as a percentage of electrical or steam energy from all fuels. If it is determined that 15 percent or less of all electrical or steam energy generated was produced by burning residual fuel, the full exemption shall apply. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.

3. The department may adopt rules that provide for implementation of this exemption. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the *vendor department* with an affidavit stating that the item or items to be exempted are for the use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. Purchasers with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

Section 5. Effective July 1, 2001, paragraphs (b), (d), and (f) of subsection (5) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.a. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of \$50,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such an expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not

occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the 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 *tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment itself is replaced. Heating and air conditioning systems are not industrial machinery and equipment, unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities.* ~~"section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of spaceport activities or of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property.~~ Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon

by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

(d) Machinery and equipment used under federal procurement contract.—

1. Industrial machinery and equipment purchased by an expanding business which manufactures tangible personal property pursuant to federal procurement regulations at fixed locations in this state are partially exempt from the tax imposed in this chapter on that portion of the tax which is in excess of \$100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the implicit productive output of the expanded business by not less than 10 percent. The percentage of increase is measured as deflated implicit productive output for the calendar year during which the installation of the machinery or equipment is completed or during which commencement of production utilizing such items is begun divided by the implicit productive output for the preceding calendar year. In no case may the commencement of production begin later than 2 years following completion of installation of the machinery or equipment.

2. The amount of the exemption allowed shall equal the taxes otherwise imposed by this chapter in excess of \$100,000 per calendar year on qualifying industrial machinery or equipment reduced by the percentage of gross receipts from cost-reimbursement type contracts attributable to the plant or operation to total gross receipts so attributable, accrued for the year of completion or commencement.

3. The exemption provided by this paragraph shall inure to the taxpayer only through refund of previously paid taxes. Such refund shall be made within 30 days of formal approval by the department of the taxpayer's application, which application may be made on an annual basis following installation of the machinery or equipment.

4. For the purposes of this paragraph, the term:

a. "Cost-reimbursement type contracts" has the same meaning as in 32 C.F.R. s. 3-405.

b. "Deflated implicit productive output" means the product of implicit productive output times the quotient of the national defense implicit price deflator for the preceding calendar year divided by the deflator for the year of completion or commencement.

c. "Eligible costs" means the total direct and indirect costs, as defined in 32 C.F.R. ss. 15-202 and 15-203, excluding general and administrative costs, selling expenses, and profit, defined by the uniform cost-accounting standards adopted by the Cost-Accounting Standards Board created pursuant to 50 U.S.C. s. 2168.

d. "Implicit productive output" means the annual eligible costs attributable to all contracts or subcontracts subject to federal procurement regulations of the single plant or operation at which the machinery or equipment is used.

e. "Industrial machinery and equipment" means *tangible personal property, or other property, that has a depreciable life of 3 years or more, that qualifies as an eligible cost under federal procurement regulations, and that is used as an integral part of the process of production of tangible personal property. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment itself is replaced. Heating and air conditioning systems are not industrial machinery and equipment, unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities.* ~~"section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue~~

~~Code, provided such industrial machinery and equipment qualified as an eligible cost under federal procurement regulations and are used as an integral part of the tangible personal property production process. Such term includes parts and accessories only to the extent that the exemption of such parts and accessories is consistent with the provisions of this paragraph.~~

f. "National defense implicit price deflator" means the national defense implicit price deflator for the gross national product as determined by the Bureau of Economic Analysis of the United States Department of Commerce.

5. The exclusions provided in subparagraph (b)5. apply to this exemption. This exemption applies only to machinery or equipment purchased pursuant to production contracts with the United States Department of Defense and Armed Forces, the National Aeronautics and Space Administration, and other federal agencies for which the contracts are classified for national security reasons. In no event shall the provisions of this paragraph apply to any expanding business the increase in productive output of which could be measured under the provisions of sub-subparagraph (b)6.b. as physically comparable between the two periods.

(f) Motion picture or video equipment used in motion picture or television production activities and sound recording equipment used in the production of master tapes and master records.—

1. Motion picture or video equipment and sound recording equipment purchased or leased for use in this state in production activities is exempt from the tax imposed by this chapter. The exemption provided by this paragraph shall inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

2. For the purpose of the exemption provided in subparagraph 1.:

a. "Motion picture or video equipment" and "sound recording equipment" includes only *tangible personal property, or other property, that has a depreciable life of 3 years or more and equipment meeting the definition of "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code* that is used by the lessee or purchaser exclusively as an integral part of production activities; however, motion picture or video equipment and sound recording equipment does not include supplies, tape, records, film, or video tape used in productions or other similar items; vehicles or vessels; or general office equipment not specifically suited to production activities. In addition, the term does not include equipment purchased or leased by television or radio broadcasting or cable companies licensed by the Federal Communications Commission. *Furthermore, a building and its structural components are not motion picture or video equipment and sound recording equipment unless the building or structural component is so closely related to the motion picture or video equipment and sound recording equipment that it houses or supports that the building or structural component can be expected to be replaced when the motion picture or video equipment and sound recording equipment itself is replaced. Heating and air conditioning systems are not motion picture or video equipment and sound recording equipment, unless the sole justification for their installation is to meet the requirements of the production activities, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities.*

b. "Production activities" means activities directed toward the preparation of a:

(I) Master tape or master record embodying sound; or

(II) Motion picture or television production which is produced for theatrical, commercial, advertising, or educational purposes and utilizes live or animated actions or a combination of live and animated actions. The motion picture or television production shall be commercially produced for sale or for showing on screens or broadcasting on television and may be on film or video tape.

Section 6. (1) *It is the intent of the Legislature to provide guidance in tax matters which is current and useful. Accordingly, the continued*

reference to a federal regulation that no longer exists causes confusion and an undue burden on persons affected by section 212.08, Florida Statutes.

(2) *It is the purpose of the amendment to section 212.08(5)(b), (d), and (f), Florida Statutes, by this act to replace specific references therein to "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code with a general description of such property, and such new description shall have the same meaning as the former federal Internal Revenue Code regulation without limitation.*

Section 7. Effective July 1, 2001, subsection (10) 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.

(10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT OF ANOTHER STATE.—

(a) The tax collected on the sale of a new or used motor vehicle in this state to a resident of another state shall be an amount equal to the sales tax which would be imposed on such sale under the laws of the state of which the purchaser is a resident, except that such tax shall not exceed the tax that would otherwise be imposed under this chapter. At the time of the sale, the purchaser shall execute a notarized statement of his or her intent to license the vehicle in the state of which the purchaser is a resident within 45 days of the sale and of the fact of the payment to the State of Florida of a sales tax in an amount equivalent to the sales tax of his or her state of residence and shall submit the statement to the appropriate sales tax collection agency in his or her state of residence. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to license the vehicle in the purchaser's home state if the purchaser licenses the vehicle in his or her home state within 45 days after the date of sale.

(b) *Notwithstanding the partial exemption allowed in paragraph (a), a vehicle is subject to this state's sales tax at the applicable state sales tax rate plus authorized surtaxes when the vehicle is purchased by a nonresident corporation or partnership and:*

1. *An officer of the corporation is a resident of this state;*
2. *A stockholder of the corporation who owns at least 10 percent of the corporation is a resident of this state; or*
3. *A partner in the partnership who has at least 10 percent ownership is a resident of this state.*

However, if the vehicle is removed from this state within 45 days after purchase and remains outside the state for a minimum of 180 days, the vehicle may qualify for the partial exemption allowed in paragraph (a) despite the residency of owners or stockholders of the purchasing entity.

Section 8. Effective July 1, 2001, paragraph (b) of subsection (14) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(14) For the purpose of determining whether a person is improving real property, the term:

(b) "Fixtures" means items that are an accessory to a building, other structure, or land and that do not lose their identity as accessories when installed but that do become permanently attached to realty. However, the term does not include the following items, whether or not such items are attached to real property in a permanent manner: ~~trade fixtures~~; property of a type that is required to be registered, licensed, titled, or documented by this state or by the United States Government, including, but not limited to, mobile homes, except mobile homes assessed as real property; or industrial machinery or equipment. For

purposes of this paragraph, industrial machinery or equipment is not limited to machinery and equipment used to manufacture, process, compound, or produce tangible personal property. For an item to be considered a fixture, it is not necessary that the owner of the item also own the real property to which it is attached.

Section 9. *It is the intent of the Legislature that the amendment to section 212.06(14)(b), Florida Statutes, relating to industrial machinery or equipment, which is made by section 7 of this act is remedial in nature and merely clarifies existing law.*

Section 10. Paragraph (a) of subsection (8) and subsection (9) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(8) PARTIAL EXEMPTIONS; VESSELS ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(a) The sale or use of vessels and parts thereof used to transport persons or property in interstate or foreign commerce, including commercial fishing vessels, is subject to the taxes imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's vessels which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year. The ratio would be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the vessel begins its initial operations in this state, the vessel's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the vessel, or a refund may be applied for, on the basis of the actual ratio of the vessel's miles in this state to its total miles for that year.* This ratio shall be applied each month to the total Florida purchases of such vessels and parts thereof which are used in Florida to establish that portion of the total used and consumed in intrastate movement and subject to the tax at the applicable rate. The basis for imposition of any discretionary surtax shall be as set forth in s. 212.054. Items, appropriate to carry out the purposes for which a vessel is designed or equipped and used, purchased by the owner, operator, or agent of a vessel for use on board such vessel shall be deemed to be parts of the vessel upon which the same are used or consumed. Vessels and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter. Vessels and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax.

(9) PARTIAL EXEMPTIONS; RAILROADS AND MOTOR VEHICLES ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(a) Railroads which are licensed as common carriers by the ~~Surface Transportation Board Interstate Commerce Commission~~ and parts thereof used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the railroad begins its initial operations in this state, the railroad's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the railroad, or a refund may be applied for, on the basis of the actual ratio of the railroad's miles in this state to its total miles for that year.* This ratio shall be applied each month to the ~~Florida total~~ purchases of the railroad which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under

this chapter. The basis for imposition of any discretionary surtax is set forth in s. 212.054. Railroads which are licensed as common carriers by the ~~Surface Transportation Board Interstate Commerce Commission~~ and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter.

(b) Motor vehicles which are engaged in interstate commerce as common carriers, and parts thereof, used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's motor vehicles which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the carrier begins its initial operations in this state, the carrier's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the carrier, or a refund may be applied for, on the basis of the actual ratio of the carrier's miles in this state to its total miles for that year.* This ratio shall be applied each month to the ~~Florida total~~ purchases of such motor vehicles and parts thereof which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax is set forth in s. 212.054. Motor vehicles which are engaged in interstate commerce, and parts thereof, used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter. Motor vehicles and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax. For purposes of this paragraph, parts of a motor vehicle engaged in interstate commerce include a separate tank not connected to the fuel supply system of the motor vehicle into which diesel fuel is placed to operate a refrigeration unit or other equipment.

Section 11. Subsection (5) is added to section 212.11, Florida Statutes, to read:

212.11 Tax returns and regulations.—

(5)(a) *Each dealer that claims any credits granted in this chapter against that dealer's sales and use tax liabilities, which credits are granted by reason of the dealer's hiring employees, purchasing property, improving property, paying increased ad valorem taxes, operating a business, or otherwise engaging in activity in an urban high-crime area, an enterprise zone, an empowerment zone, a Front Porch Community, a designated brownfield area, or an urban infill area, must submit to the department with the return on which such credits are claimed a report in a format prescribed by the department which provides the information and documentation required to verify the dealer's entitlement to the credits. All information must be broken down by the urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area to which it relates. In the case of any credit that is granted in the form of a refund of previously paid taxes, supporting documentation must be provided with the application for refund.*

(b) *The department may adopt rules prescribing the form in which the report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.*

(c) *The department shall disallow any credit that is not supported by the report required by this subsection.*

Section 12. If the amendment to subsection (6) of section 212.20, Florida Statutes, by section 35 of chapter 2000-260, Laws of Florida, does not take effect, paragraph (e) 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:

(e) 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., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6.a. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215.

b. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000.

c. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

d. *Each newly incorporated municipality that meets the eligibility requirements established in s. 218.23 or in the local act establishing the municipality is eligible to receive a share of revenue sharing funds under s. 218.245. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in the 1999-2000 fiscal year, plus the share for any new municipalities, each municipality shall receive a proportionate amount.*

7. 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. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 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. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph 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(6). However, a certified applicant is entitled to 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. 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. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development 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 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 13. If the amendment to subsection (6) of section 212.20, Florida Statutes, by section 35 of chapter 2000-260, Laws of Florida, does take effect, paragraph (e) 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 and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) 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 or remitted pursuant to s. 202.18(1)(b) and (2)(b) 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., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the

available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6.a. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215.

b. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000.

c. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

d. *Each newly incorporated municipality that meets the eligibility requirements established in s. 218.23 or in the local act establishing the municipality is eligible to receive a share of revenue sharing funds under s. 218.245. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in the 1999-2000 fiscal year, plus the share for any new municipalities, each municipality shall receive a proportionate amount.*

7. 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. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 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. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph 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(6). However, a certified applicant is entitled to 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. 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. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development 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 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 14. Paragraph (b) of subsection (6) of section 218.21, Florida Statutes, is amended to read:

218.21 Definitions.—As used in this part, the following words and terms shall have the meanings ascribed them in this section, except where the context clearly indicates a different meaning:

(6) "Guaranteed entitlement" means the amount of revenue which must be shared with an eligible unit of local government so that:

(b)1. No eligible municipality shall receive less funds from the Revenue Sharing Trust Fund for Municipalities in any fiscal year than the aggregate amount it received from the state in fiscal year 1971-1972 under the provisions of the then-existing s. 210.20(2)(a), tax on cigarettes; s. 323.16(3), road tax; and s. 206.605, tax on motor fuel.

2. Any government exercising municipal powers under s. 6(f), Art. VIII of the State Constitution may not receive less than the aggregate amount it received from the Revenue Sharing Trust Fund for Municipalities in the preceding fiscal year, plus a percentage increase in such amount equal to the percentage increase of the Revenue Sharing Trust Fund for Municipalities for the preceding fiscal year. *However, for the distributions made during the 2001-2002 fiscal year, the percentage increase shall be calculated as the revenues from the Revenue Sharing Trust Fund for Municipalities for the 2001-2002 fiscal year, divided by the sum of the revenues from the Revenue Sharing Trust Fund for Municipalities for the 1999-2000 fiscal year and the revenues from the Municipal Financial Assistance Trust Fund for the 1999-2000 fiscal year, minus one.*

Section 15. Effective July 1, 2001, subsection (4) of section 220.22, Florida Statutes, is amended to read:

220.22 Returns; filing requirement.—

(4) *The department shall designate by rule certain not-for-profit entities and others that are not required to file a return, including an initial information return, under this code unless the entities have taxable income as defined in s. 220.13(2). These entities must include subchapter S corporations, tax-exempt entities, and others that do not usually owe federal income tax. For the year in which an election is made pursuant to s. 1361(b)(3) of the Internal Revenue Code, the qualified subchapter S subsidiary shall file an informational return with the department, which return shall be restricted to information identifying the subsidiary, the electing S corporation parent, and the effective date of the election.*

Section 16. *Effective July 1, 2001, subsection (10) of section 624.509, Florida Statutes, is repealed.*

Section 17. *Subsection (9) of section 213.27, Florida Statutes, is repealed.*

Section 18. *Section 213.256, Florida Statutes, is created to read:*

213.256 *Simplified Sales and Use Tax Administration Act.—*

(1) *As used in this section, the term:*

(a) *"Department" means the Department of Revenue.*

(b) "Agreement" means the Streamlined Sales and Use Tax Agreement as amended and adopted on January 27, 2001, by the Executive Committee of the National Conference of State Legislatures.

(c) "Certified automated system" means software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(d) "Certified service provider" means an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions.

(e) "Person" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

(f) "Sales tax" means the tax levied under chapter 212.

(g) "Seller" means any person making sales, leases, or rentals of personal property or services.

(h) "State" means any state of the United States and the District of Columbia.

(i) "Use tax" means the tax levied under chapter 212.

(2)(a) The executive director of the department shall enter into the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the agreement, the executive director of the department or his or her designee shall act jointly with other states that are members of the agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

(b) The executive director of the department or his or her designee shall take other actions reasonably required to administer this section. Other actions authorized by this section include, but are not limited to, the adoption of rules and the joint procurement, with other member states, of goods and services in furtherance of the cooperative agreement.

(c) The executive director of the department or his or her designee may represent this state before the other states that are signatories to the agreement.

(3) The executive director of the department may not enter into the Streamlined Sales and Use Tax Agreement unless the agreement requires each state to abide by the following requirements:

(a) The agreement must set restrictions to limit, over time, the number of state tax rates.

(b) The agreement must establish uniform standards for:

1. The sourcing of transactions to taxing jurisdictions.
2. The administration of exempt sales.
3. Sales and use tax returns and remittances.

(c) The agreement must provide a central electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states.

(d) The agreement must provide that registration with the central registration system and the collection of sales and use taxes in the signatory state will not be used as a factor in determining whether the seller has nexus with a state for any tax.

(e) The agreement must provide for reduction of the burdens of complying with local sales and use taxes through:

1. Restricting variances between the state and local tax bases.
2. Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers who collect and remit

these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions.

3. Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes.

4. Providing notice of changes in local sales and use tax rates and of local changes in the boundaries of local taxing jurisdictions.

(f) The agreement must outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint study by the public and private sectors, which must be completed by July 1, 2002, of the compliance cost to sellers and certified service providers of collecting sales and use taxes for state and local governments under various levels of complexity.

(g) The agreement must require each state to certify compliance with the terms of the agreement before joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member.

(h) The agreement must require each state to adopt a uniform policy for certified service providers which protects the privacy of consumers and maintains the confidentiality of tax information.

(i) The agreement must provide for the appointment of an advisory council of private-sector representatives and an advisory council of nonmember state representatives to consult within the administration of the agreement.

(4) For the purposes of reviewing or amending the agreement to embody the simplification requirements as set forth in subsection (3), this state shall enter into multistate discussions. For purposes of such discussions, this state shall be represented by three delegates, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and the executive director of the department or his or her designee.

(5) No provision of the agreement authorized by this section in whole or in part invalidates or amends any provision of the laws of this state. Adoption of the agreement by this state does not amend or modify any law of the state. Implementation of any condition of the agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by the action of the state.

(6) The agreement authorized by this section is an accord among individual cooperating sovereigns in furtherance of their governmental functions. The agreement provides a mechanism among the member states to establish and maintain a cooperative, simplified system for the application and administration of sales and use taxes under the duly adopted law of each member state.

(7)(a) The agreement authorized by this act binds and inures only to the benefit of this state and the other member states. No person, other than a member state, is an intended beneficiary of the agreement. Any benefit to a person other than a state is established by the laws of this state and of other member states and not by the terms of the agreement.

(b) Consistent with paragraph (a), no person has any cause of action or defense under the agreement or by virtue of this state's approval of the agreement. No person may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of this state, or of any political subdivision of this state, on the ground that the action or inaction is inconsistent with the agreement.

(c) No law of this state, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the agreement.

(8)(a) A certified service provider is the agent of a seller with whom the certified service provider has contracted for the collection and remittance of sales and use taxes. As the seller's agent, the certified service provider is liable for sales and use tax due each member state on all sales transactions it processes for the seller except as set out in this subsection.

(b) *A seller that contracts with a certified service provider is not liable to the state for sales or use tax due on transactions processed by the certified service provider unless the seller has misrepresented the type of items it sells or has committed fraud. In the absence of probable cause to believe that the seller has committed fraud or made a material misrepresentation, the seller is not subject to audit on the transactions processed by the certified service provider. A seller is subject to audit for transactions that have not been processed by the certified service provider. The member states acting jointly may perform a system check of the seller and review the seller's procedures to determine if the certified service provider's system is functioning properly and to determine the extent to which the seller's transactions are being processed by the certified service provider.*

(c) *A person that provides a certified automated system is responsible for the proper functioning of that system and is liable to the state for underpayments of tax attributable to errors in the functioning of the certified automated system. A seller that uses a certified automated system remains responsible and is liable to the state for reporting and remitting tax.*

(d) *A seller that has a proprietary system for determining the amount of tax due on transactions and has signed an agreement establishing a performance standards for that system is liable for the failure of the system to meet the performance standard.*

(9) *Disclosure of information necessary under this section must be pursuant to a written agreement between the executive director of the department or his or her designee and the certified service provider. The certified service provider is bound by the same requirements of confidentiality as the department. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(10) *On or before January 1 annually, the department shall provide recommendations to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives for provisions to be adopted for inclusion within the system which are necessary to bring it into compliance with the Streamlined Sales and Use Tax Agreement.*

Section 19. Subsection (2) of section 213.285, Florida Statutes, is amended to read:

213.285 Certified audits.—

(2)(a) The department is authorized to initiate a certified audits project to further enhance tax compliance reviews performed by qualified practitioners and to encourage taxpayers to hire qualified practitioners at their own expense to review and report on their tax compliance. The nature of certified audit work performed by qualified practitioners shall be agreed-upon procedures in which the department is the specified user of the resulting report.

(b) As an incentive for taxpayers to incur the costs of a certified audit, the department shall compromise penalties and abate interest due on any tax liabilities revealed by a certified audit as provided in s. 213.21. This authority to compromise penalties or abate interest shall not apply to any liability for taxes that were collected by the participating taxpayer but that were not remitted to the department.

(c) The certified audits project is repealed on July 1, 2006 ~~2002~~, or upon completion of the project as determined by the department, whichever occurs first.

Section 20. Paragraph (n) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(n) Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related

to a certified public accountant participating in the certified audits project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audits project. In any judicial proceeding brought by the department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section. This paragraph is repealed on July 1, 2006 ~~2002~~.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 21. Subsection (8) of section 213.21, Florida Statutes, is amended to read:

213.21 Informal conferences; compromises.—

(8) In order to determine whether certified audits are an effective tool in the overall state tax collection effort, the executive director of the department or the executive director's designee shall settle or compromise penalty liabilities of taxpayers who participate in the certified audits project. As further incentive for participating in the program, the department shall abate the first \$25,000 of any interest liability and 25 percent of any interest due in excess of the first \$25,000. A settlement or compromise of penalties or interest pursuant to this subsection shall not be subject to the provisions of paragraph (3)(a), except for the requirement relating to confidentiality of records. The department may consider an additional compromise of tax or interest pursuant to the provisions of paragraph (3)(a). This subsection does not apply to any liability related to taxes collected but not remitted to the department. This subsection is repealed on July 1, 2006 ~~2002~~.

Section 22. Section 213.30, Florida Statutes, is amended to read:

213.30 Compensation for information relating to a violation of the tax laws.—

(1) The executive director of the department, pursuant to rules adopted by the department, is authorized to compensate persons providing information to the department leading to:

(a) The punishment of, or collection of taxes, penalties, or interest from, any person with respect to the taxes enumerated in s. 213.05. The amount of any payment made under this paragraph may not exceed 10 percent of any tax, penalties, or interest collected as a result of such information.

(b) The identification and registration of a taxpayer who is not in compliance with the registration requirements of any tax statute that is listed in s. 213.05. The amount of the payment made to any person who provides information to the department which results in the registration of a noncompliant taxpayer shall be \$100. The reward authorized in this paragraph shall be paid only if the noncompliant taxpayer:

1. Conducts business from a permanent, fixed location;
2. Is engaged in a bona fide taxable activity; and
3. Is found by the department to have an unpaid tax liability.

(2) Any employee of the department or of any other state or federal agency who comes into possession of information relating to a violation of a revenue law while an employee of such agency may provide information to the department of the type described in subsection (1), but the employee may not be compensated under this section. Any former employee of the department or any other state or federal agency who came into possession of information relating to a violation of a revenue law while an employee of such agency may provide information to the department of the type described in subsection (1), but the former employee may not receive compensation under this section.

(3) *Notwithstanding the provisions of any other law, this section is the sole means by which any person may obtain any moneys as the result*

of or in relation to the failure by another person to comply with the tax laws of this state. The use of any other law to obtain moneys for such failure is in derogation of this statute and conflicts with the state's duty to administer the tax laws.

Section 23. *The amendment to section 213.30, Florida Statutes, made by this act does not apply to any case in litigation or under seal on the effective date of this act.*

Section 24. Paragraph (f) of subsection (4) of section 11 of chapter 2000-165, Laws of Florida, is amended to read:

(4) Effective October 1, 2000, the following programs and functions are transferred to the Agency for Workforce Innovation:

(f) The Division of Unemployment Compensation is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Workforce Innovation. The resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the Office of the Secretary or any other division, office, bureau, or unit within the Department of Labor and Employment Security that support the Division of Unemployment Compensation are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security. By January 1, 2001, the Agency for Workforce Innovation shall enter into a contract with the Department of Revenue which shall provide for the Department of Revenue to provide unemployment tax collection services. The Department of Revenue, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed to provide unemployment tax collection services within the Department of Revenue. The number of unemployment tax collection service positions the Department of Revenue determines are needed shall not exceed the number of positions that, prior to the contract, were authorized to the Department of Labor and Employment Security for this purpose. Upon entering into the contract with the Agency for Workforce Innovation to provide unemployment tax collection services, the number of required positions, as determined by the Department of Revenue, shall be authorized within the Department of Revenue. Beginning January 1, 2002, the Office of Program Policy Analysis and Government Accountability shall conduct a feasibility study regarding privatization of unemployment tax collection services. A report on the conclusions of this study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. *The Department of Revenue is considered to be administering a revenue law of this state when it provides unemployment compensation tax collection services pursuant to its contract with the Agency for Workforce Innovation. The following provisions of chapter 213, Florida Statutes, apply to the collection of unemployment contributions by the Department of Revenue unless prohibited by federal law: ss. 213.018, 213.025, 213.051, 213.053, 213.055, 213.071, 213.10, 213.21(2), (3), (4), (5), (6), (7), and (8), 213.2201, 213.23, 213.24, 213.25, 213.26, 213.27, 213.28, 213.285, 213.30, 213.34, 213.37, 213.50, 213.67, 213.69, 213.73, 213.731, 213.732, 213.733, 213.74, 213.755, and 213.757.*

Section 25. Subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the following procedure may be followed as an alternative to any other sale procedure if so ordered by the court:

(7) DISBURSEMENTS OF PROCEEDS.—On filing a certificate of title the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment, and shall file a report of such disbursements and serve a copy of it on each party not in default, and on the Department of Revenue, if it was named as a defendant in the action or if the Agency for Workforce Innovation or the Florida Department of Labor and Employment Security was named as a defendant while the Department of Revenue was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation, in substantially the following form:

(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

The undersigned clerk of the court certifies that he or she disbursed the proceeds received from the sale of the property as provided in the order or final judgment to the persons and in the amounts as follows:

Name	Amount
	Total
WITNESS my hand and the seal of the court on . . . , . . . (year). . . .	
	. . . (Clerk). . .
	By . . . (Deputy Clerk). . .

If no objections to the report are served within 10 days after it is filed, the disbursements by the clerk shall stand approved as reported. If timely objections to the report are served, they shall be heard by the court. Service of objections to the report does not affect or cloud the title of the purchaser of the property in any manner.

Section 26. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for child support, or interest in an unemployment compensation tax lien pursuant to a contract with the Agency for Workforce Innovation, against the subject property and with the same priority, regardless of whether a default against the department, the Agency for Workforce Innovation, or the Department of Labor and Employment Security has been entered for failure to file an answer or other responsive pleading.

Section 27. Subsection (1) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; chapter 175, municipal firefighters' pension trust funds; chapter 185, municipal police officers' retirement trust funds; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; chapter 221, emergency excise tax; s. 252.372, emergency management, preparedness, and assistance surcharge; s. 370.07(3), Apalachicola Bay oyster surcharge; chapter 376, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; ss. 624.501 and 624.509-624.515, insurance code; s. 681.117, motor vehicle warranty enforcement; and s. 896.102, reports of financial transactions in trade or business. *The provisions of this section, except paragraph (7)(f), also apply to chapter 443 while the department is performing tax collection services for the Agency for Workforce Innovation pursuant to chapter 2000-165, Laws of Florida; however, the exceptions to confidentiality contained in ss. 443.171(7) and 443.1715 remain in full force and effect.*

Section 28. *Effective July 1, 2001, notwithstanding section 10 of chapter 90-110, Laws of Florida, subsection (3) of section 215.20, Florida Statutes, shall not expire on October 1, 2001, as scheduled by that law, but subsection (3) of section 215.20, Florida Statutes, is revived and readopted.*

Section 29. *Effective upon becoming a law, and applying retroactively to June 1, 2001, if this act does not become a law by that date, section 4 of chapter 96-395, Laws of Florida, is repealed.*

Section 30. Paragraph (g) of subsection (10) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(10) “Lease,” “let,” or “rental” means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps and real property, the same being defined as follows:

(g) “Lease,” “let,” or “rental” also means the leasing or rental of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such property, except as expressly provided to the contrary herein. The term “lease,” “let,” or “rental” does not mean hourly, daily, or mileage charges, to the extent that such charges are subject to the jurisdiction of the ~~Surface Transportation Board United States Interstate Commerce Commission~~, when such charges are paid by reason of the presence of railroad cars owned by another on the tracks of the taxpayer, or charges made pursuant to car service agreements. *The terms “lease,” “let,” “rental,” or “license” do not include payments by a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission which are made to an electric utility in connection with the regional transmission organization’s use or control of the utility’s high-voltage bulk transmission facilities.* However, where two taxpayers, in connection with the interchange of facilities, rent or lease property, each to the other, for use in providing or furnishing any of the services mentioned in s. 166.231, the term “lease or rental” means only the net amount of rental involved.

Section 31. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)

(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).
4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.
5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term “utility” means any person providing utility services as defined in s. 203.012 and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.
6. A public street or road which is used for transportation purposes.
7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose

of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term “qualified production services” means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term “sale” shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license

payment which is based on a percentage of sales and not based on a fixed price.

13. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

Section 32. Effective July 1, 2003, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, as amended by section 3 of chapter 2000-345, Laws of Florida, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).
4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.
5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.
6. A public street or road which is used for transportation purposes.
7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.
- 8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is

based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely

to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

Section 33. Subsection (1) and paragraph (a) of subsection (2) of section 201.08, Florida Statutes, are amended to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(1)(a) On promissory notes, nonnegotiable notes, written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, the tax shall be 35 cents on each \$100 or fraction thereof of the indebtedness or obligation evidenced thereby. *The tax on any document described in this paragraph shall not exceed \$2,450.*

(b) On mortgages, trust deeds, security agreements, or other evidences of indebtedness filed or recorded in this state, and for each renewal of the same, the tax shall be 35 cents on each \$100 or fraction thereof of the indebtedness or obligation evidenced thereby. Mortgages, including, but not limited to, mortgages executed without the state and recorded in the state, which incorporate the certificate of indebtedness, not otherwise shown in separate instruments, are subject to the same tax at the same rate. When there is both a mortgage, trust deed, or security agreement and a note, certificate of indebtedness, or obligation, the tax shall be paid on the mortgage, trust deed, or security agreement at the time of recordation. A notation shall be made on the note, certificate of indebtedness, or obligation that the tax has been paid on the mortgage, trust deed, or security agreement. If the mortgage, trust deed, security agreement, or other evidence of indebtedness subject to the tax levied by this section secures future advances, as provided in s. 697.04, the tax shall be paid at the time of recordation on the initial debt or obligation secured, excluding future advances; at the time and so often as any future advance is made, the tax shall be paid on all sums then advanced regardless of where such advance is made. Notwithstanding the aforesaid general rule, any increase in the amount of original indebtedness caused by interest accruing under an adjustable rate note or mortgage having an initial interest rate adjustment interval of not less than 6 months shall be taxable as a future advance only to the extent such increase is a computable sum certain when the document is executed. Failure to pay the tax shall not affect the lien for any such future advance given by s. 697.04, but any person who fails or refuses to pay such tax due by him or her is guilty of a misdemeanor of the first degree. The mortgage, trust deed, or other instrument shall not be enforceable in any court of this state as to any such advance unless and until the tax due thereon upon each advance that may have been made thereunder has been paid.

(2)(a) On promissory notes, nonnegotiable notes, written obligations to pay money, or other compensation, made, executed, delivered, sold, transferred, or assigned in the state, in connection with sales made under retail charge account services, incident to sales which are not conditional in character and which are not secured by mortgage or other pledge of purchaser, the tax shall be 35 cents on each \$100 or fraction thereof of the gross amount of the indebtedness evidenced by such instruments, payable quarterly on such forms and under such rules and regulations as may be promulgated by the Department of Revenue. *The tax on any document described in this paragraph shall not exceed \$2,450.*

Section 34. Effective upon this act becoming a law and applying retroactively to December 21, 2000, section 443.1315, Florida Statutes, is created to read:

443.1315 *Treatment of Indian tribes.—*

(1) *As used in this section, the term:*

(a) *“Employer” includes any Indian tribe for which service in employment as defined by this chapter is performed.*

(b) *“Employment” includes service performed in the employ of an Indian tribe, as defined by s. 3306(u) of the Federal Unemployment Tax Act, provided such service is excluded from “employment,” as defined by*

that act, solely by reason of s. 3306(c)(7) of said act and is not otherwise excluded from “employment” under this chapter. For purposes of this section, the exclusions from employment under s. 443.036(21)(d) shall be applicable to services performed in the employ of an Indian tribe.

(2) *Benefits based on service in employment, as defined by this section, shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter.*

(3)(a) *Indian tribes or tribal units, including subdivisions, subsidiaries, or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the Unemployment Compensation Trust Fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe.*

(b) *Indian tribes electing to make payments in lieu of contributions must make such election in the same manner and under the same conditions as provided by s. 443.131 for state and local governments and nonprofit organizations subject to this chapter. Indian tribes shall determine if reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal units, or by combinations of individual tribal units.*

(c) *Indian tribes or tribal units shall be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.*

(d) *At the discretion of the director of the Agency for Workforce Innovation or his or her designee, any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, within 90 days after the effective date of its election, to:*

1. *Execute and file with the director or his or her designee a surety bond approved by the director or his or her designee; or*

2. *Deposit with the director or his or her designee money or securities on the same basis as other employers with the same election option.*

(4)(a)1. *Failure of the Indian tribe or tribal unit to make required payments, including assessments of interest and penalty, within 90 days after receipt of the bill, will cause the Indian tribe to lose the option to make payments in lieu of contributions, as described in subsection (3), for the following tax year, unless payment in full is received before contribution rates for the next tax year are computed.*

2. *Any Indian tribe that loses the option to make payments in lieu of contributions due to late payment or nonpayment, as described in subparagraph 1., shall have such option reinstated if, after a period of 1 year, all contributions have been made timely, provided no contributions, payments in lieu of contributions for benefits paid, penalties, or interest remain outstanding.*

(b)1. *Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalty, after all collection activities deemed necessary by the director of the Agency for Workforce Innovation or his or her designee have been exhausted, will cause services performed for such tribe to not be treated as “employment” for purposes of paragraph (1)(b).*

2. *The director or his or her designee may determine that any Indian tribe that loses coverage under subparagraph 1. may have services performed for such tribe again included as “employment” for purposes of paragraph (1)(b) if all contributions, payments in lieu of contributions, penalties, and interest have been paid.*

(c) *If an Indian tribe fails to make payments required under this section, including assessments of interest and penalty, within 90 days after a final notice of delinquency, the director of the Agency for Workforce Innovation shall immediately notify the United States Internal Revenue Service and the United States Department of Labor.*

(5) *Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed timeframe:*

(a) Will cause the Indian tribe to be liable for taxes under the Federal Unemployment Tax Act.

(b) Will cause the Indian tribe to lose the option to make payments in lieu of contributions.

(c) Could cause the Indian tribe to be exempted from the definition of "employer," as provided in paragraph (1)(a), and services in the employ of the Indian tribe, as provided in paragraph (1)(b), to be exempted from "employment."

(6) Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the Federal Government shall be financed in their entirety by such Indian tribe.

(7) The Agency for Workforce Innovation is authorized to adopt any rules it deems necessary to implement this section.

Section 35. Paragraph (e) of subsection (3) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(e)1. Variations from the standard rate of contributions shall be assigned with respect to each calendar year to employers eligible therefor. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors provided for in sub-paragraphs a.-c. will be added to the benefit ratio. This addition will be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor as defined below. The sum of these adjustment factors provided for in sub-paragraphs a.-c. will first be algebraically summed. The sum of these adjustment factors will then be divided by a gross benefit ratio to be determined as follows: Total benefit payments for the previous 3 years, as defined in subparagraph (b)1., charged to employers eligible to be assigned a contribution rate different from the standard rate minus excess payments for the same period divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors provided for in sub-paragraphs a.-c. to the gross benefit ratio will be multiplied by each individual benefit ratio below the maximum tax rate to obtain variable adjustment factors; except that in any instance in which the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum tax rate, the variable adjustment factor will be reduced so that the sum equals the maximum tax rate. The variable adjustment factor of each such employer will be multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products will be divided by the taxable payroll of such employers that entered into the computation of their benefit ratios. The resulting ratio will be subtracted from the sum of the adjustment factors provided for in sub-paragraphs a.-c. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor will be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor will be added to the variable adjustment factor and benefit ratio of each employer to obtain each employer's contribution rate; however, at no time shall an employer's contribution rate be rounded to less than 0.1 percent.

a. An adjustment factor for noncharge benefits will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the amount of benefit payments noncharged in the 3 preceding years as defined in subparagraph (b)1. by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the taxable payrolls for the 3 years ending June 30 of the current calendar year that had been reported to the division by September 30 of the same calendar year. Noncharge benefits for the purpose of this section shall be defined as benefit payments to an individual which were paid from the Unemployment Compensation

Trust Fund but which were not charged to the unemployment record of any employer.

b. An excess payments adjustment factor will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the total excess payments during the 3 preceding years as defined in subparagraph (b)1. by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the same as used in computing the noncharge adjustment factor as described in sub-paragraph a. The term "excess payments" for the purpose of this section is defined as the amount of benefit payments charged to the employment record of an employer during the 3 preceding years, as defined in subparagraph (b)1., less the product of the maximum contribution rate and his or her taxable payroll for the 3 years ending June 30 of the current calendar year that had been reported to the division by September 30 of the same calendar year. The term "total excess payments" is defined as the sum of the individual employer excess payments for those employers that were eligible to be considered for assignment of a contribution rate different from the standard rate.

c. If the balance in the Unemployment Compensation Trust Fund as of June 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 3.74 percent of the taxable payrolls for the year ending June 30 as reported to the division by September 30 of that calendar year, a positive adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of June 30 of such calendar year and the sum of 4.75 percent of the total taxable payrolls for that year. Such adjustment factor will remain in effect in subsequent years until a balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of such contribution rate equals or exceeds 3.74 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year. If the balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 4.75 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year, a negative adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of June 30 of the current calendar year and 4.75 percent of the total taxable payrolls of such year. Such adjustment factor will remain in effect in subsequent years until the balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of such contribution rate is less than 4.75 percent but more than 3.74 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year.

d. The maximum contribution rate that can be assigned to any employer shall be 5.4 percent, except those employers participating in an approved short-time compensation plan in which case the maximum shall be 1 percent above the current maximum contribution rate, with respect to any calendar year in which short-time compensation benefits are in the employer's employment record.

2. In the event of the transfer of employment records to an employing unit pursuant to paragraph (g) which, prior to such transfer, was an employer, the division shall recompute a benefit ratio for the successor employer on the basis of the combined employment records and reassign an appropriate contribution rate to such successor employer as of the beginning of the calendar quarter immediately following the effective date of such transfer of employment records.

Section 36. 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 cents is imposed upon each ounce of liquor and each 4 ounces of wine, a surcharge of 2 cents is imposed on each 12 ounces of cider, and a surcharge of 1.34 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 a *nonprofit* an organization that is licensed by the division ~~under s. 561.422 or s. 565.02(4)~~ 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)(2), (3), (4), (5), (6), (7), (8), (10), or (19) of the Internal Revenue Code of 1986, as amended.

Section 37. Subsections (8) and (9) are added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(8) *Taxes imposed by this section do not apply to a contract to sell the residence of an employee relocating at his or her employer's direction or documents related to the contract, which contract is between the employee and the employer or between the employee and a person in the business of providing employee relocation services. Taxes on such transactions apply only to the transfer of the real property comprising the residence by deed that names the grantee.*

(9) *Taxes imposed by this section shall not apply to deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, is granted, assigned, transferred, or otherwise conveyed from an electric utility to a regional transmission organization under the jurisdiction of the Federal Energy Regulatory Commission.*

Section 38. Paragraphs (b) and (c) of subsection (1) of section 206.9825, Florida Statutes, are amended to read:

206.9825 Aviation fuel tax.—

(1)

(b) Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, increases the air carrier's Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions, may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid, provided that the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. In calculating the new or additional Florida full-time equivalent employee positions, any full-time equivalent employee positions of parent or subsidiary corporations which existed before January 1, 1996, shall not be counted toward reaching the Florida employment increase thresholds. The refund allowed under this paragraph is in furtherance of the goals and policies of the State Comprehensive Plan set forth in s. 187.201(17)(a), (b)1., 2., (18)(a), (b)1., 4., (20)(a), (b)5., (22)(a), (b)1., 2., 4., 7., 9., and 12. ~~This paragraph will expire on July 1, 2001.~~

(c) ~~If, before July 1, 2001,~~ the number of full-time equivalent employee positions created or added to the air carrier's Florida workforce falls below 250, the exemption granted pursuant to this section shall not apply during the period in which the air carrier has fewer than the 250 additional employees.

Section 39. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 97, line 15, through

Page 102, line 28, of the amendment
remove: all of said lines

and insert in lieu thereof:

An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term "section 38 property" with an express definition of the terms "industrial machinery and equipment" and "motion picture and video equipment"; providing intent and purpose; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term "fixtures"; eliminating reference to the term "trade fixture"; amending s. 212.08, F.S.; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 212.11, F.S.; requiring a dealer that claims certain tax credits by reason of engaging in specified activities to submit reports to the Department of Revenue; providing requirements for such reports; authorizing the department to adopt rules; providing for the disallowance of any credit not supported by a report; amending s. 212.20, F.S.; providing that newly incorporated municipalities meeting certain criteria are eligible to receive revenue sharing pursuant to s. 218.245, F.S.; amending s. 218.21, F.S.; providing a formula for revenue sharing distributions made for a specified fiscal year; amending s. 220.22, F.S.; eliminating the initial year's information return for certain corporations; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; amending s. 213.285, F.S.; delaying the future repeal of the certified audit project; amending ss. 213.053, 213.21, F.S.; conforming repeal dates; amending s. 213.30, F.S.; clarifying that the rewards program is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; providing for application; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; abrogating the

expiration of s. 215.20(3), F.S., relating to service charges against certain trust funds, notwithstanding s. 10, ch. 90-110, Laws of Florida; repealing s. 4 of ch. 96-395, Laws of Florida, which provides for the repeal of exemptions provided for certain citizen support organizations and the Florida Folk Festival; providing for retroactive applicability; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 201.08, F.S.; providing a limit on the amount of the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; amending s. 201.02, F.S.; providing that the documentary stamp tax on deeds and other instruments relating to real property or interests in real property does not apply to a contract to sell the residence of an employee relocating at an employer's direction, or related documents, under specified circumstances; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 206.9825, F.S.; removing the expiration date of provisions which allow any licensed wholesaler or terminal supplier that delivers aviation fuel to certain air carriers to receive a credit or refund of the aviation fuel tax under certain conditions; amending s. 212.08, F.S.; providing effective dates.

Rep. Wallace moved the adoption of the amendment to the amendment.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 084075)

Amendment 1 to House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 68, line 24 remove from the amendment: *does not apply*

and insert in lieu thereof: *applies*

And the title is amended as follows:

On page 98, line 15, of the amendment

after "providing for" insert: *retroactive*

Rep. Fasano moved the adoption of the amendment to the amendment.

On motion by Rep. Fasano, further consideration of **Amendment 1 to House Amendment 1 to Senate Amendment 1** was temporarily postponed under Rule 11.10.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 844953)

Amendment 2 to House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 94, line 30

insert a new section 38:

Section 38. *It is the intent of the Legislature that s. 201.02(8), Florida Statutes, as created by this act, confirms and clarifies existing law.*

And the title is amended as follows:

On page 100, line 7, of the amendment

after "circumstances;" insert: *providing intent;*

Rep. Fasano moved the adoption of the amendment to the amendment, which was adopted. The vote was:

Session Vote Sequence: 543

Yeas—58

The Chair	Bowen	Green	Murman
Alexander	Brummer	Haridopolos	Needelman
Allen	Byrd	Hart	Negron
Andrews	Cantens	Johnson	Paul
Argenziano	Clarke	Jordan	Pickens
Arza	Davis	Kallinger	Prieguez
Atwater	Diaz de la Portilla	Kilmer	Rubio
Baker	Diaz-Balart	Kottkamp	Russell
Barreiro	Dockery	Kravitz	Simmons
Baxley	Fasano	Kyle	Sorensen
Bean	Flanagan	Lacasa	Spratt
Bennett	Garcia	Mahon	Wallace
Bense	Gardiner	Maygarden	Waters
Benson	Gibson	Melvin	
Berfield	Goodlette	Miller	

Nays—52

Attkisson	Gannon	Lee	Ross
Ausley	Gelber	Lerner	Ryan
Ball	Gottlieb	Lynn	Seiler
Bendross-Mindingall	Greenstein	Machek	Siplin
Betancourt	Harrington	Mayfield	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Mealor	Stansel
Crow	Jennings	Peterman	Trovillion
Cusack	Joyner	Rich	Weissman
Detert	Justice	Richardson	Wiles
Fields	Kendrick	Ritter	Wilson
Frankel	Kosmas	Romeo	Wishner

Votes after roll call:

Nays—Harper

Yeas to Nays—Miller

The question recurred on the adoption of **Amendment 1 to House Amendment 1 to Senate Amendment 1**, which was withdrawn.

The question recurred on the adoption of **House Amendment 1 to Senate Amendment 1**, as amended, which was adopted.

REPRESENTATIVE BALL IN THE CHAIR

Representative(s) Diaz-Balart, Gottlieb, Rubio, Wilson, Barreiro, Bendross-Mindingall, Holloway, and Brutus offered the following:

(Amendment Bar Code: 522299)

House Amendment 2 to Senate Amendment 1 (with title amendment)—On page 1, line 15

insert:

Section 1. Subsection (5) of section 218.503, Florida Statutes, is amended to read:

218.503 Determination of financial emergency.—

(5)(a) The governing authority of any municipality with a resident population of 300,000 or more ~~on April 1, 1999, and~~ which has at any time been declared in a state of financial emergency pursuant to this section ~~within the previous 2 fiscal years~~ may impose a discretionary per-vehicle surcharge of up to 20 percent on the gross revenues of the sale, lease, or rental of space at parking facilities within the municipality that are open for use to the general public. *Consistent with s. 125.015, and to the extent not otherwise immune or exempt, employees of the county parking at county-owned or operated parking facilities are exempt.*

(b) A municipal governing authority that imposes the surcharge authorized by this subsection may use the proceeds of such surcharge for the following purposes only:

1. No less than 60 percent and no more than 80 percent of the surcharge proceeds shall be used by the governing authority to reduce its ad valorem tax millage rate or to reduce or eliminate non-ad valorem assessments.

2. A portion of the balance of the surcharge proceeds shall be used by the governing authority to increase its budget reserves; however, the governing authority shall not reduce the amount it allocates for budget reserves from other sources below the amount allocated for reserves in the fiscal year prior to the year in which the surcharge is initially imposed. When a 15-percent budget reserve is achieved, based on the average gross revenue for the most recent 3 prior fiscal years, the remaining proceeds from this subparagraph shall be used for the payment of annual debt service related to outstanding obligations backed or secured by a covenant to budget and appropriate from non-ad valorem revenues.

(c)1. *As used in this section:*

a. *“Eligible county” means a county that constructs, reconstructs, renovates, expands, or rehabilitates, directly or indirectly through turnkey or other contractual arrangements, a significant new facility on a qualifying site.*

b. *“Qualifying site” means a site located in a brownfields area designated under s. 376.80 that is owned by an eligible county and is within the boundaries of a municipality.*

c. *“Significant new facility” means a real property improvement on a qualifying site that has a regional impact and meets the following requirements:*

(I) *It is owned by a county or municipality, subject to a determination of property tax immunity, and leased to, licensed to, or operated by a private, for-profit entity for the purpose of operating a business therefrom for a period of not less than 30 years.*

(II) *It has a projected cost for construction, reconstruction, renovation, expansion, or rehabilitation of the facility and acquisition and remediation of the qualifying site of not less than \$300 million, of which not less than \$50 million, over the term of the lease, license, or operation, will be contributed by the private entity, which contribution may be in the form of payments in lieu of taxes, ground lease rent, license fees, rents, and other charges, including, without limitation, annual payments pledged to finance the construction of the facility.*

(III) *It has been proposed, in a report submitted to the eligible county by a qualified economist, that the facility will have an annual economic impact of not less than \$100 million over the term of the lease, license, or operation and will create not less than 1,500 jobs over the same period.*

d. *“Cost,” with respect to the qualifying site and significant new facility, has the same meaning as provided in s. 190.003(7).*

(d)1. *Unless a municipality extends this subsection pursuant to subparagraphs 2. and 3., this subsection is repealed on June 30, 2006.*

2. *A referendum shall be held at an election within 90 days after the effective date of this act with respect to a municipality that has previously imposed a surcharge pursuant to paragraph (a), or within 90 days after any municipality becomes eligible to impose a surcharge pursuant to paragraph (a), in any municipality imposing the surcharge authorized in this subsection. With respect to a municipality that has previously imposed a surcharge pursuant to paragraph (a), the subject of the referendum shall be the extension of the repeal date of the surcharge to June 30, 2046, and an extension of the uses of surcharge proceeds. A statement that includes a brief general description of the additional uses of the surcharge proceeds shall be placed on the ballot.*

3. *If a majority of the electors of the municipality voting on this question in the election approve the imposition of the surcharge or extension of the repeal date and if construction of a significant new facility is commenced by June 30, 2006, on a qualifying site, this subsection shall be repealed June 30, 2046. Notwithstanding the provisions of paragraph (b), if an extension is approved pursuant to this subparagraph, the funds generated by the surcharge shall be distributed as specified in paragraph (e).*

(e) *Effective January 1, 2005, 33¹/₃ percent of the surcharge proceeds shall be remitted to the eligible county and expended as provided in paragraph (f). The remaining proceeds shall be retained by the municipal governing authority, which shall expend the proceeds pursuant to paragraph (h). However, beginning January 1, 2007, the payment to the eligible county shall not in any fiscal year be less than the amount remitted to an eligible county in the preceding fiscal year and, for the purpose of assuring the remittances, the proceeds received by the municipality in the last three months of each fiscal year shall be held and remitted on the last day of the fiscal year so that the eligible county will receive no less than the amount remitted in the preceding fiscal year.*

(f) *An eligible county that receives proceeds from the surcharge may utilize them to construct, reconstruct, renovate, expand, or rehabilitate, directly or indirectly through turnkey or other contractual arrangements, a significant new facility on a qualifying site in the manner provided in this paragraph.*

1. *An eligible county may use funds provided pursuant to this paragraph only for the public purpose of paying debt service on bonds or other obligations issued to finance the costs of acquisition, site preparation, infrastructure development, construction, reconstruction, renovation, expansion, or rehabilitation of the qualifying site and significant new facility to be located thereon, or for the costs of infrastructure and other improvements outside the boundaries of the qualifying site but which are necessary or helpful to the development or operation of the facility, or for reimbursement of such costs, and the costs incurred by it to remediate the qualifying site.*

2. *If in any fiscal year the funds provided pursuant to this paragraph exceed the amounts necessary in that fiscal year to pay the costs related to the significant new facility and the qualifying site pursuant to this subsection and to pay the debt service on bonds or other obligations issued to finance or refinance such costs, the excess funds shall be used to fund required reserves.*

(g) *An eligible county must take affirmative measures to ensure that procurement related to the planning, design, construction, building, maintenance, and operation of the significant new facility contracting is reflective of the racial and ethnic make-up of the community.*

(h) *Of the funds remaining after the distributions to the eligible county required in paragraph (e), \$1 million shall be distributed to a not-for-profit economic development trust in an eligible county, which shall use the funds for primary learning centers in blighted urbanized areas, brownfield redevelopment, and economic development, which amount shall adjust upwards or downwards at the same percentage as the increase or decrease in the surcharge overall. Of the remaining funds thereafter, not less than 60 percent and not more than 80 percent shall be used by the governing authority to reduce its ad valorem tax millage*

rate or to reduce or eliminate non-ad valorem assessments and no less than ten 10 percent and no more than 20 percent shall be allocated for infrastructure improvements and be used in the downtown/urban core areas, industrial areas, suburban areas, or other areas from where the facilities are located that generate the funds. Areas shall be defined consistent with Florida Statutes and local law.

1. A downtown/urban area shall be coterminous with any Downtown Development District established pursuant to section 166.0497, Florida Statutes, or chapter 65-1090, Laws of Florida or to any Community Redevelopment Agency established pursuant to section 163.356, Florida Statutes. Alternatively, any eligible local governmental entity may identify the downtown/urban core area as any contiguous area consisting of lands where the predominant acreage is designated as commercial or its substantial equivalent, in an applicable local government comprehensive plan.

2. An Industrial area is any contiguous area consisting of lands where the predominant acreage is designated industrial or its substantial equivalent in an applicable local government comprehensive plan.

3. A suburban area is any contiguous area consisting of lands where the predominant acreage is designated residential or its substantial equivalent in an applicable local government comprehensive plan.

Any number of areas may be used by the local governmental entity, provided that the areas are defined by ordinance and Florida law and include all parking facilities subject to the surcharge. .

Section 2. 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. 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. Such incentives may include financial, regulatory, and technical assistance to persons and businesses involved in the redevelopment of the brownfield pursuant to this act. *The Legislature further recognizes that, in communities impacted by local government financial emergencies, local government resources are strained and incentives to encourage the development, use, redevelopment, or reuse by local government of brownfield areas designated under s. 376.80 are particularly needed.*

(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.

(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 sales tax rebate established for an eligible county with a significant new facility on a qualifying site under subsection (4).*

(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) *Effective July 1, 2006, the governing board of an eligible county which constructs, reconstructs, renovates, expands, or rehabilitates, either directly or indirectly through turnkey or other contractual arrangements, a significant new facility on a qualifying site shall be entitled to receive sales tax rebates pursuant to s. 212.20(6)(e)7.e. in the manner provided in this subsection.*

(b) *For purposes of this subsection:*

1. *"Eligible county" means a county which constructs, reconstructs, renovates, expands, or rehabilitates, either directly or through turnkey or similar contractual arrangements, a significant new facility on a qualifying site.*

2. "Qualifying site" means a site located in a brownfield area designated under s. 376.80 that is owned by an eligible county and is within the boundaries of a local government impacted by a financial emergency.

3. "Local government impacted by a financial emergency" means a county or municipality that has a resident population of 300,000 or more and that has been declared in a state of financial emergency pursuant to part V of chapter 218 at any time preceding the date on which construction of a significant new facility commences.

4. "Significant new facility" means a real property improvement on a qualifying site as defined in s. 218.503.

5. "Cost," with respect to the qualifying site and significant new facility, shall have the same meaning as provided by s. 190.003(7).

6. "Department" means the Department of Revenue.

(c) The governing authority of an eligible county shall notify the department in writing of its eligibility to receive the sales tax rebate provided for by this subsection and shall accompany such notice with:

1. Evidence that the significant new facility will be located on a qualifying site.

2. Copies, certified by the clerk of the eligible county as true and correct copies, of fully executed construction contracts and other contractual arrangements evidencing that the projected cost of the construction, reconstruction, renovation, expansion, or rehabilitation of the significant new facility and acquisition and remediation of the qualifying site on which it is located exceeds \$300 million, of which not less than \$50 million will be contributed by the private lessee, licensee, or operator in the manner described in s. 218.503(5)(c)1.c.(II).

3. The fully executed agreement evidencing that the facility has been leased to, licensed to, or is to be operated by a private, for-profit entity for a period of not less than 30 years after the date of the notice.

(d) The department shall certify an eligible county within 90 days after its receipt of the notice required by paragraph (c). The department has the authority to adopt rules to implement the provisions of this subsection.

(e) An eligible county may use funds provided pursuant to s. 212.20(6)(e)7.e. only for the public purpose of paying for, or pledging as security for or paying debt service on bonds or other obligations issued to finance, the costs of acquisition, site preparation, infrastructure development, construction, reconstruction, renovation, expansion, or rehabilitation of the qualifying site and significant new facility to be located thereon, or for the costs of infrastructure and other improvements outside the boundaries of the qualifying site but which are necessary or helpful to the development or operation of the significant new facility, or for reimbursement of any such costs, and for the costs incurred by it to remediate the qualifying site. An eligible county must ensure that procurement related to the planning, design, construction, building, maintenance, and operation of the significant new facility contracting is reflective of the racial and ethnic makeup of the community. In the event that, in any fiscal year of an eligible county, the funds provided pursuant to s. 212.20(6)(e)7.e. are in excess of the amount necessary in such fiscal year to pay the costs related to the significant new facility and qualifying site as authorized in this subsection and to pay debt service on bonds or other obligations related only to the costs of the bonds for construction of the significant new facility issued to finance or refinance all or any part of such costs, such excess funds shall be applied toward or set aside for the redemption or repayment of any such bonds.

(f) The amount of the sales tax rebate pursuant to s. 212.20(6)(e)7.e. to be provided to an eligible county certified pursuant to this section shall be computed annually and shall be equal to the sales tax imposed under chapter 212 attributable to that portion of the sales price as defined in chapter 212 that is the surcharge imposed pursuant to s. 218.503 by a local government impacted by financial emergency, but excluding discretionary sales surtaxes authorized under s. 212.055.

(g) The state does hereby covenant with the holders of bonds or other obligations or contractual commitments secured by or payable from the proceeds of the sales tax rebate authorized by this subsection that it will not repeal or impair, or amend in any manner which will materially and adversely affect the rights of such holders, the sales tax rebate provided by this subsection and s. 212.20(6)(e)7.e.; however, the annual rebate amount may increase or decrease based on the rebate computation provided by paragraph (f).

Section 3. Paragraph (e) 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:

(e) 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., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. 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. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 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. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph 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(6). However, a certified applicant is entitled to 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. 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. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development 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 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. Beginning 30 days after an eligible county has been certified pursuant to s. 376.84(4)(d), an amount equal to the sales tax rebate calculated pursuant to s. 376.84(4)(f) shall be distributed each year on a monthly basis to the eligible county.

8. All other proceeds shall remain with the General Revenue Fund.

Section 4. If section 35 of chapter 2000-260, Laws of Florida, is not repealed by section 58 of said chapter, then, effective October 1, 2001, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, as amended by section 35 of chapter 2000-260, Laws of Florida, 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 and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) 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 or remitted pursuant to s. 202.18(1)(b) and (2)(b) 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., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. 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. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 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. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph 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(6). However, a certified applicant is entitled to 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. 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. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development 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 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. *Beginning 30 days after an eligible county has been certified pursuant to s. 376.84(4)(d), an amount equal to the sales tax rebate calculated pursuant to s. 376.84(4)(f) shall be distributed each year on a monthly basis to the eligible county.*

8. All other proceeds shall remain with the General Revenue Fund.

Section 5. Section 186.5053, Florida Statutes, is created to read:

186.5053 South Florida Regional Planning Council responsibilities.—Pursuant to s. 186.505, the South Florida Regional Planning Council is authorized to undertake responsibilities delegated and prescribed by federal and state government, and its member units of local government, as well as activities agreed to through multiparty and intergovernmental voluntary agreements such as, but not limited to, activities related to site rehabilitation at brownfield sites within designated brownfield areas pursuant to chapter 376, subject to the Department of Environmental Protection's approval of all environmental regulatory decisions at the sites; activities agreed to by the Eastward Ho! Brownfields Partnership; activities agreed to by the Clean Cities Coalition; and activities agreed to in the South Dade Watershed memorandum of understanding.

Section 6. *It is the intent of the Legislature that the provisions of this act are severable. If any provision of this act is held invalid, the remaining provisions shall survive.*

And the title is amended as follows:

On page 97, line 16 remove all of said line

and insert: An act relating to taxation; amending s. 218.503, F.S.; providing that certain municipalities that have been declared in a state of financial emergency may impose a per-vehicle surcharge on revenues from the sale or rental of space at parking facilities; providing exemptions; revising a requirement relating to such municipalities' population; amending the future repeal of such provisions to allow for an extension of the repeal date by referendum in such municipalities; providing for uses of proceeds under such extension; providing definitions; providing ballot language; amending s. 376.84, F.S.; providing definitions; providing that a county that constructs, renovates, or expands a significant new facility on a qualifying brownfield site is entitled to a sales tax rebate if the facility is leased to, licensed to, or operated by a private entity; providing requirements with respect thereto; requiring such county to submit certain information to the Department of Revenue; providing for certification of the county by the department; providing for rules; providing for use of the rebate funds; providing requirements with respect to certain excess funds; providing for computation of the amount of the rebate; amending s. 212.20, F.S.; providing for distribution of the sales tax rebate to such counties; creating s. 186.5053, F.S.; authorizing the South Florida Regional Planning Council to undertake certain responsibilities and activities; providing for severability;

Rep. Diaz-Balart moved the adoption of the amendment to the amendment.

Motion

Rep. Garcia moved the previous question on the amendment to the amendment, which was agreed to.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **House Amendment 2 to Senate Amendment 1**, which was adopted.

Representative(s) Kendrick offered the following:

(Amendment Bar Code: 144153)

House Amendment 3 to Senate Amendment 1 (with title amendment)—On page 1, between lines 16 & 17,

insert:

Section 1. *It is the intent of the Florida Legislature to promote economic opportunity for those area identified as an area of critical concern.*

(1) *As an alternative to brownfield areas, the authority shall approve a site in any area as defined in this section.*

(2) *Recognizing the economic impact of the net limitation amendment of 1995, the authority shall have the sole authority to transfer all rules, grants, exemptions, tax abatements, loans, tax rebates, and incentives as provided in this section.*

(3) *All other legislation enacted by this statute shall be in effect at the direction of the authority as allowed by law.*

And the title is amended as follows:

On page 97, line 16 after the semicolon

insert: providing legislative intent;

Rep. Kendrick moved the adoption of the amendment to the amendment.

Subsequently, **House Amendment 3 to Senate Amendment 1** was withdrawn.

On motion by Rep. Wallace, the House concurred in Senate Amendment 1, as amended. The question recurred on the passage of HB 1981. The vote was:

Session Vote Sequence: 544

Yeas—98

Alexander	Diaz-Balart	Jordan	Negron
Allen	Dockery	Joyner	Paul
Andrews	Farkas	Justice	Peterman
Argenziano	Fasano	Kallinger	Pickens
Arza	Fields	Kendrick	Ritter
Attkisson	Flanagan	Kilmer	Ross
Atwater	Gannon	Kosmas	Rubio
Ausley	Garcia	Kottkamp	Ryan
Baker	Gardiner	Kravitz	Seiler
Barreiro	Gelber	Kyle	Simmons
Baxley	Gibson	Lacasa	Siplin
Bean	Goodlette	Lee	Slosberg
Bendross-Mindingall	Gottlieb	Littlefield	Sobel
Bense	Greenstein	Lynn	Sorensen
Benson	Haridopolos	Mack	Spratt
Berfield	Harper	Mahon	Stansel
Bowen	Harrell	Mayfield	Trovillion
Brutus	Harrington	Maygarden	Wallace
Bullard	Hart	McGriff	Waters
Byrd	Henriquez	Meadows	Weissman
Cantens	Heyman	Mealor	Wiles
Carassas	Hogan	Melvin	Wilson
Clarke	Holloway	Miller	Wishner
Crow	Jennings	Murman	
Davis	Johnson	Needelman	

Nays—13

The Chair	Brummer	Detert	Machek
Ball	Bucher	Diaz de la Portilla	Rich
Bennett	Cusack	Lerner	Romeo
Betancourt			

Votes after roll call:

Yeas—Frankel, Richardson, Smith

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

REPRESENTATIVE BALL IN THE CHAIR

On motion by Rep. Maygarden, the House moved to the consideration of CS for CS for SB 792.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 792, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Health, Aging and Long-Term Care and Senator Silver—

CS for CS for SB 792—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.904, F.S.; providing for the agency to pay for health insurance premiums for certain Medicaid-eligible persons; providing for the agency to pay for specified cancer treatment; providing Medicaid eligibility for certain disabled persons under a Medicaid buy-in program, subject to specific federal authorization; directing the Agency for Health Care Administration to seek a federal grant, demonstration project, or waiver for establishment of such buy-in program, subject to a specific appropriation; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; revising standards for payable intermediate care services; authorizing the agency to pay for assistive-care services; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distribution to rural hospitals; amending s. 409.91195, F.S.; requiring the Medicaid Pharmaceutical and Therapeutics Committee to recommend a preferred drug formulary; revising the membership of the Medicaid Pharmaceutical and Therapeutics Committee; providing for committee responsibilities; requiring the agency to publish the preferred drug formulary; providing for a hearing process; amending s. 409.912, F.S.; authorizing the agency to establish requirements for prior authorization for certain populations, drug classes, or particular drugs; specifying conditions under which the agency may enter certain contracts with exclusive provider organizations; revising components of the agency's spending-control program; prescribing additional services that the agency may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted-drug formulary; directing the agency to establish a demonstration project in Miami-Dade County to provide minority health care; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for assignment of certain Medicaid recipients to managed-care plans; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursement to hospitals; revising the level of county participation;

providing for distribution of funds under the disproportionate share program for specified hospitals for the 2001 federal fiscal year; providing for the distribution of County Health Department Trust Funds; requiring the certificate-of-need workgroup to review and make recommendations regarding specified regulations; providing for a temporary rate reduction; providing for an exemption from review for transfer of certain beds and services to a satellite facility; providing for future repeal; providing an appropriation; amending s. 408.036, F.S.; exempting specified projects from required review by the Agency for Health Care Administration; providing that the act fulfills an important state interest; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing effective dates.

—was read the first time by title. On motion by Rep. Maygarden, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 545

Yeas—116

The Chair	Crow	Jennings	Negron
Alexander	Cusack	Johnson	Paul
Allen	Davis	Jordan	Peterman
Andrews	Detert	Joyner	Pickens
Argenziano	Diaz de la Portilla	Justice	Prieguez
Arza	Diaz-Balart	Kallinger	Rich
Attkisson	Dockery	Kendrick	Richardson
Atwater	Farkas	Kilmer	Ritter
Ausley	Fasano	Kosmas	Romeo
Baker	Fields	Kottkamp	Ross
Barreiro	Flanagan	Kravitz	Rubio
Baxley	Frankel	Kyle	Russell
Bean	Gannon	Lacasa	Ryan
Bendross-Mindingall	Garcia	Lee	Seiler
Bennett	Gardiner	Lerner	Simmons
Bense	Gelber	Littlefield	Siplin
Benson	Gibson	Lynn	Slosberg
Berfield	Goodlette	Machek	Smith
Betancourt	Gottlieb	Mack	Sobel
Bilirakis	Green	Mahon	Sorensen
Bowen	Greenstein	Mayfield	Spratt
Brummer	Haridopolos	Maygarden	Stansel
Brutus	Harper	McGriff	Trovillion
Bucher	Harrell	Meadows	Wallace
Bullard	Harrington	Mealor	Waters
Byrd	Hart	Melvin	Weissman
Cantens	Heyman	Miller	Wiles
Carassas	Hogan	Murman	Wilson
Clarke	Holloway	Needelman	Wishner

Nays—None

Votes after roll call:

Yeas—Henriquez

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Meadows, the House moved to the consideration of CS for SB 962.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 962 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health, Aging and Long-Term Care and Senator Diaz de la Portilla—

CS for SB 962—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.805, F.S.; revising

grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; providing an effective date.

—was read the first time by title. On motion by Rep. Meadows, the rules were waived and the bill was read the second time by title.

Further consideration of **CS for SB 962** was temporarily postponed under Rule 11.10.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has refused to concur in House Amendment 1 to Senate Amendment 1 to HB 657 and requests the House to recede.

Faye W. Blanton, Secretary

HB 657—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

[Senate Amendment 1 and House Amendment 1 to Senate Amendment 1 attached to original bill and shown in the *Journal* on page 1971, May 3.]

On motion by Rep. Goodlette, the House refused to recede from the House amendment to the Senate amendment to HB 657 and again requested the Senate to concur therein. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1220, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Holzendorf—

SB 1220—A bill to be entitled An act relating to insurance; amending s. 624.4072, F.S.; extending the term of the exemption from taxes and assessments on minority-owned property and casualty insurers; postponing the scheduled repeal of the law; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating s. 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term “claim” for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months’ premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing

insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer’s nonpublic personal financial and health information by health insurers and health maintenance organizations; providing standards governing the rules; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; providing an effective date.

—was read the first time by title. On motion by Rep. Lee, the rules were waived and the bill was read the second time by title.

THE SPEAKER IN THE CHAIR

Representative(s) Lee, Bennett, Alexander, Flanagan, and Waters offered the following:

(Amendment Bar Code: 740855)

Amendment 1 (with title amendment)—
remove from the bill: everything after the enacting clause,
and insert in lieu thereof:

Section 1. Section 624.4072, Florida Statutes, is amended to read:

624.4072 Minority-owned property and casualty insurers; limited exemption for taxation and assessments.—

(1) A minority business that is at least 51 percent owned by minority persons, as defined in s. 288.703(3), initially issued a certificate of authority in this state as an authorized insurer after May 1, 1998, to write property and casualty insurance shall be exempt, for a period not to exceed 10 ½ years from the date of receiving its certificate of authority, from the following taxes and assessments:

(a) Taxes imposed under ss. 175.101, 185.08, and 624.509;

(b) Assessments by the Florida Residential Property and Casualty Joint Underwriting Association or by the Florida Windstorm Underwriting Association, as provided under s. 627.351, except for emergency assessments collected from policyholders pursuant to s. 627.351(2)(b)2.d.(III) and (6)(b)3.d. Any such insurer shall be a member insurer of the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association. The premiums of such insurer shall be included in determining, for the Florida Windstorm Underwriting Association, the aggregate statewide direct written premium for property insurance and in determining, for the Florida Residential Property and Casualty Joint Underwriting Association, the aggregate statewide direct written premium for the subject lines of business for all member insurers.

(2) Subsection (1) applies only to personal lines and commercial lines residential property insurance policies as defined in s. 627.4025, and applies only to an insurer that has employees in this state and has a home office or a regional office in this state. With respect to any tax year or assessment year, the exemptions provided by subsection (1) apply only if during the year an average of at least 10 percent of the insurer's Florida residential property policies in force covered properties located in enterprise zones designated pursuant to s. 290.0065.

(3) The provision of the definition of "minority person" in s. 288.703(3) that requires residency in Florida shall not apply to the term "minority person" as used in this section or s. 627.3511.

(4) This section is repealed effective *December 31, July 1 2010 2003*, and the tax and assessment exemptions authorized by this section shall terminate on such date.

Section 2. Paragraph (c) of subsection (3) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology.—

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(c) With respect to a rate filing under s. 627.062, an insurer may employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable to determine hurricane loss factors for use in a rate filing under s. 627.062, which findings and factors are admissible and relevant in consideration of a rate filing by the department or in any arbitration or administrative or judicial review. *However, such findings and factors are not admissible and relevant in consideration of a rate filing unless the department has access to all factors and assumptions that were used in developing the actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable and the department is not precluded from disclosing such information in a rate proceeding. To the extent that such information is a trade secret as defined in chapter 688, such information need not be disclosed to the department unless it is specifically covered by a valid exemption from chapter 119.*

Section 3. Effective July 1, 2001, paragraph (b) of subsection (2) and paragraph (c) of subsection (6) of section 627.351, Florida Statutes, are amended, and paragraph (f) is added to subsection (2) of said section, to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(b) The department shall require all insurers holding a certificate of authority to transact property insurance on a direct basis in this state, other than joint underwriting associations and other entities formed pursuant to this section, to provide windstorm coverage to applicants from areas determined to be eligible pursuant to paragraph (c) who in good faith are entitled to, but are unable to procure, such coverage through ordinary means; or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage, which may include formation of an association for this purpose. As used in this subsection, the term "property insurance" means insurance on real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multiperil, homeowners' multiperil, commercial multiperil, and mobile homes, and including liability coverages on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1)(a) other than insurance on mobile homes used as permanent dwellings. The department shall adopt rules that provide a formula for the recovery and repayment of any deferred assessments.

1. For the purpose of this section, properties eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down

requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to s. 320.8325, and the contents of all such properties. An applicant or policyholder is eligible for coverage only if an offer of coverage cannot be obtained by or for the applicant or policyholder from an admitted insurer at approved rates.

2.a.(I) All insurers required to be members of such association shall participate in its writings, expenses, and losses. Surplus of the association shall be retained for the payment of claims and shall not be distributed to the member insurers. Such participation by member insurers shall be in the proportion that the net direct premiums of each member insurer written for property insurance in this state during the preceding calendar year bear to the aggregate net direct premiums for property insurance of all member insurers, as reduced by any credits for voluntary writings, in this state during the preceding calendar year. For the purposes of this subsection, the term "net direct premiums" means direct written premiums for property insurance, reduced by premium for liability coverage and for the following if included in allied lines: rain and hail on growing crops; livestock; association direct premiums booked; National Flood Insurance Program direct premiums; and similar deductions specifically authorized by the plan of operation and approved by the department. A member's participation shall begin on the first day of the calendar year following the year in which it is issued a certificate of authority to transact property insurance in the state and shall terminate 1 year after the end of the calendar year during which it no longer holds a certificate of authority to transact property insurance in the state. The commissioner, after review of annual statements, other reports, and any other statistics that the commissioner deems necessary, shall certify to the association the aggregate direct premiums written for property insurance in this state by all member insurers.

(II) The plan of operation shall provide for a board of directors consisting of the members of the State Board of Administration, which shall oversee the operations of the association and shall carry out any other duties provided by law. The board shall appoint an advisory council consisting of an actuary, a meteorologist, an engineer, a representative of insurers, a representative of insurance agents, and three consumers who shall also be representatives of other professions and industries, to provide the board with information and advice in connection with its duties under this section. *Members of the advisory council shall be eligible for per diem and travel expenses under s. 112.061. The association shall not be considered a state agency and its obligations shall not be considered obligations of the state consisting of the Insurance Consumer Advocate appointed under s. 627.0613, a consumer representative appointed by the Insurance Commissioner, a consumer representative appointed by the Governor, and 12 additional members appointed as specified in the plan of operation. One of the 12 additional members shall be elected by the domestic companies of this state on the basis of cumulative weighted voting based on the net direct premiums of domestic companies in this state. Nothing in the 1997 amendments to this paragraph terminates the existing board or the terms of any members of the board.*

(III) The plan of operation shall provide a formula whereby a company voluntarily providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment of a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II).

(IV) A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group.

(V) There shall be no credits or relief from apportionment to a company for emergency assessments collected from its policyholders under sub-sub-subparagraph d.(III).

(VI) The plan of operation may also provide for the award of credits, for a period not to exceed 3 years, from a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II) as an incentive for taking policies out of the Residential Property and Casualty Joint Underwriting Association. In order to qualify for the

exemption under this sub-sub-subparagraph, the take-out plan must provide that at least 40 percent of the policies removed from the Residential Property and Casualty Joint Underwriting Association cover risks located in Dade, Broward, and Palm Beach Counties or at least 30 percent of the policies so removed cover risks located in Dade, Broward, and Palm Beach Counties and an additional 50 percent of the policies so removed cover risks located in other coastal counties, and must also provide that no more than 15 percent of the policies so removed may exclude windstorm coverage. With the approval of the department, the association may waive these geographic criteria for a take-out plan that removes at least the lesser of 100,000 Residential Property and Casualty Joint Underwriting Association policies or 15 percent of the total number of Residential Property and Casualty Joint Underwriting Association policies, provided the governing board of the Residential Property and Casualty Joint Underwriting Association certifies that the take-out plan will materially reduce the Residential Property and Casualty Joint Underwriting Association's 100-year probable maximum loss from hurricanes. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association.

b. Assessments to pay deficits in the association under this subparagraph shall be included as an appropriate factor in the making of rates as provided in s. 627.3512.

c. The Legislature finds that the potential for unlimited deficit assessments under this subparagraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the association was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for paying regular assessments and collecting emergency assessments for any deficits of the association; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.

d.(I) When the deficit incurred in a particular calendar year is 10 percent or less of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the deficit.

(II) When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for member insurers. Any remaining deficit shall be recovered through emergency assessments under sub-sub-subparagraph (III).

(III) Upon a determination by the board of directors that a deficit exceeds the amount that will be recovered through regular assessments on member insurers, pursuant to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the board shall levy, after verification by the department, emergency assessments to be collected by member insurers and by underwriting associations created pursuant to this section which write property insurance, upon issuance or renewal of property insurance policies other than National Flood Insurance policies in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for property insurance for all member insurers and underwriting associations, excluding National Flood Insurance policy premiums, as annually determined by the board and verified by the department. The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other

provision of law, each member insurer and each underwriting association created pursuant to this section shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for property insurance written by member insurers and underwriting associations for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit. The board may pledge the proceeds of the emergency assessments under this sub-sub-subparagraph as the source of revenue for bonds, to retire any other debt incurred as a result of the deficit or events giving rise to the deficit, or in any other way that the board determines will efficiently recover the deficit. The emergency assessments under this sub-sub-subparagraph shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the document governing such bonds or other indebtedness. Emergency assessments collected under this sub-sub-subparagraph are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium.

(IV) Each member insurer's share of the total regular assessments under sub-sub-subparagraph (I) or sub-sub-subparagraph (II) shall be in the proportion that the insurer's net direct premium for property insurance in this state, for the year preceding the assessment bears to the aggregate statewide net direct premium for property insurance of all member insurers, as reduced by any credits for voluntary writings for that year.

(V) If regular deficit assessments are made under sub-sub-subparagraph (I) or sub-sub-subparagraph (II), or by the Residential Property and Casualty Joint Underwriting Association under sub-sub-subparagraph (6)(b)3.a. or sub-sub-subparagraph (6)(b)3.b., the association shall levy upon the association's policyholders, as part of its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for property insurance for member insurers for the prior calendar year. Market equalization surcharges under this sub-sub-subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

e. The governing body of any unit of local government, any residents of which are insured under the plan, may issue bonds as defined in s. 125.013 or s. 166.101 to fund an assistance program, in conjunction with the association, for the purpose of defraying deficits of the association. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the association, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government. Revenue bonds may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue bonds as will provide relief to claimants and policyholders of the association and insurers responsible for apportionment of plan losses. Any such unit of local government may enter into such contracts with the association and with any other entity

created pursuant to this subsection as are necessary to carry out this paragraph. Any bonds issued under this sub-subparagraph shall be payable from and secured by moneys received by the association from assessments under this subparagraph, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer. The authority granted by this sub-subparagraph is additional to any bonding authority granted by subparagraph 6.

3. The plan shall also provide that any member with a surplus as to policyholders of \$25 \$20 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the department, within the first 90 days of each calendar year, to qualify as a limited apportionment company. The apportionment of such a member company in any calendar year for which it is qualified shall not exceed its gross participation, which shall not be affected by the formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses pursuant to sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II) in the aggregate which exceeds \$50 million after payment of available plan funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-sub-subparagraph 2.d.(III). The plan shall provide that, if the department determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the department may direct that all or part of such assessment be deferred. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-sub-subparagraph 2.d.(III).

4. The plan shall provide for the deferment, in whole or in part, of a regular assessment of a member insurer under sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II), but not for an emergency assessment collected from policyholders under sub-sub-subparagraph 2.d.(III), if, in the opinion of the commissioner, payment of such regular assessment would endanger or impair the solvency of the member insurer. In the event a regular assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II).

5.a. The plan of operation may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses.

b.(I) *Subject to the provisions of sub-sub-subparagraph (II), all rate filings under this subsection relating to coverage for windstorm losses must reflect historical insurance data. When using a computer model in making a rate filing under this subsection, the association may use only a computer model which is based upon standards and guidelines developed or established by the Florida Commission on Hurricane Loss Projection Methodology under s. 627.0628. Consideration of historical insurance data and the use of computer models shall be consistent with applicable Standards of Practice of the American Academy of Actuaries. The association may require arbitration of a rate filing under s. 627.062(6).*

(II) ~~It is the intent of the Legislature that the Rates for coverage provided by the association must be actuarially sound and not competitive with approved rates charged in the admitted voluntary market such that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be~~

procured in the voluntary market. The plan of operation shall provide a mechanism to assure that *the average base rates for each line of business charged by the association for hurricane coverage for each unmitigated risk in a particular county shall be no lower than the highest department-approved rate within the association's eligible area for hurricane coverage in the voluntary market for each line of business in such county, among the 20 largest insurers actually writing such coverage in such county, beginning no later than January 1, 1999, the rates charged by the association for each line of business are reflective of approved rates in the voluntary market for hurricane coverage for each line of business in the various areas eligible for association coverage.*

(III) *Notwithstanding any other provision of law, windstorm rates under this subsection previously adjudicated for use and in effect as of the effective date of this act, and the related mitigation credit program, shall apply to rates of the association and shall continue in effect until such rates are fully phased in. The rate for a particular group or class of policies may be increased only after the full phase-in of the current rate plan as to that group or class of policies.*

c. The association shall provide for windstorm coverage on residential properties in limits up to \$10 million for commercial lines residential risks and up to \$1 million for personal lines residential risks. If coverage with the association is sought for a residential risk valued in excess of these limits, coverage shall be available to the risk up to the replacement cost or actual cash value of the property, at the option of the insured, if coverage for the risk cannot be located in the authorized market. The association must accept a commercial lines residential risk with limits above \$10 million or a personal lines residential risk with limits above \$1 million if coverage is not available in the authorized market. The association may write coverage above the limits specified in this subparagraph with or without facultative or other reinsurance coverage, as the association determines appropriate.

d. The plan of operation must provide objective criteria and procedures, approved by the department, to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

(I) Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

(II) Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the association pursuant to such criteria and procedures must be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

e. The policies issued by the association must provide that if the association obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the department, a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. Upon termination of eligibility, the association shall provide written notice to the policyholder and agent of record stating that the association policy must be canceled as of 60 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this sub-subparagraph. *This sub-subparagraph applies only to policies issued or renewed on or after June 1, 2003.*

f. Association policies and applications must include a notice that the association policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the association. The notice shall also specify that acceptance of association coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential. *This sub-subparagraph applies only to policies issued or renewed on or after June 1, 2003.*

g. If the risk accepts an offer of coverage through the market assistance program or through a mechanism established by the association, either before the policy is issued by the association or during the first 30 days of coverage by the association, and the producing agent who submitted the application to the association is not currently appointed by the insurer, the insurer shall either:

(I) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the association; or

(II) Offer to allow the producing agency of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the association's usual and customary commission for the type of policy written.

If the new or producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-subparagraph (I).

h. When the association enters into a contractual agreement for a take-out plan, the producing agent of record of the association policy is entitled to retain any unearned commission on the policy, and the insurer shall either:

(I) Pay to the producing agent of record of the association policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the association; or

(II) Offer to allow the producing agent of record of the association policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the association's usual and customary commission for the type of policy written.

If the new or producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-subparagraph (I).

6.a. The plan of operation may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association, a partnership, a trust, a limited liability company, or a nonprofit mutual company which may be empowered, among other things, to borrow money by issuing bonds or by incurring other indebtedness and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. The plan may authorize all actions necessary to facilitate the issuance of bonds, including the pledging of assessments or other revenues.

b. Any entity created under this subsection, or any entity formed for the purposes of this subsection, may sue and be sued, may borrow money; issue bonds, notes, or debt instruments; pledge or sell assessments, market equalization surcharges and other surcharges, rights, premiums, contractual rights, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, and other assets as security for such bonds, notes, or debt instruments; enter into any contracts or agreements necessary or proper to accomplish such borrowings; and take other actions necessary to carry out the purposes of this subsection. The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association subject to approval by the department that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection. Any such entity may accumulate reserves and retain surpluses as of the end of any association year to provide for the payment of losses incurred by the association during that year or any future year. The association shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of chapter 76-96, Laws of Florida, to the extent that it is not inconsistent with chapter 76-96, and as subsequently modified consistent with chapter 76-96. The board of directors and officers currently serving shall continue to serve until

their successors are duly qualified as provided under the plan. The assets and obligations of the plan in effect immediately prior to the effective date of chapter 76-96 shall be construed to be the assets and obligations of the successor plan created herein.

c. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness issued or incurred by the association or any other entity created under this subsection.

7. On such coverage, an agent's remuneration shall be that amount of money payable to the agent by the terms of his or her contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of the standard premium of that company.

8. Subject to approval by the department, the association may establish different eligibility requirements and operational procedures for any line or type of coverage for any specified eligible area or portion of an eligible area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the association. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

9. Notwithstanding any other provision of law:

a. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state or any other applicable laws.

b. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, market equalization or other surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or any other rights, revenues, or other assets of the association pledged.

c. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, emergency assessments, market equalization or renewal surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of or after any such proceeding shall continue unaffected by such proceeding.

d. As used in this subsection, the term "financing documents" means any agreement, instrument, or other document now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness.

e. Any such pledge or sale of assessments, revenues, contract rights or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, contract, or other

rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the association or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, contract, or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

f. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to actions for breach of any contract or agreement pertaining to insurance, or any willful tort.

10. *It is the intent of the Legislature that the association vigorously pursue an exemption from federal income taxation and tax-free status for bonds issued by or on behalf of the association. In furtherance of this intent:*

a. *The association shall retain such expert tax counsel and bond counsel as necessary and expend such funds as necessary to pursue such negotiations or litigation as may lead to favorable tax rulings.*

b. *The association shall, no later than January 1, 2002, provide a report to the Governor, the Insurance Commissioner, the President of the Senate, and the Speaker of the House of Representatives detailing the status of the negotiations or litigation and recommending statutory changes, if any, needed to secure favorable tax rulings.*

(f)1. *In recognition of the fact that the association created under this subsection furthers an essentially governmental purpose, the association is exempt from premium taxes effective July 1, 2002.*

2. *Beginning with the 2002-2003 fiscal year, and except for years in which the association is collecting regular or emergency assessments under this subsection, the association shall annually transfer the sum of \$5 million to the General Revenue Fund, which moneys shall be appropriated for hurricane loss mitigation purposes as specified in s. 215.555(7)(c). Such appropriations are in addition to any appropriations required or authorized by s. 215.555(7)(c).*

(6) RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION.—

(c) The plan of operation of the association:

1. May provide for one or more designated insurers, able and willing to provide policy and claims service, to act on behalf of the association to provide such service. Each licensed agent shall be entitled to indicate the order of preference regarding who will service the business placed by the agent. The association shall adhere to each agent's preferences unless after consideration of other factors in assigning agents, including, but not limited to, servicing capacity and fee arrangements, the association has reason to believe it is in the best interest of the association to make a different assignment.

2. Must provide for adoption of residential property and casualty insurance policy forms, which forms must be approved by the department prior to use. The association shall adopt the following policy forms:

a. Standard personal lines policy forms including wind coverage, which are multiperil policies providing what is generally considered to be full coverage of a residential property similar to the coverage provided under an HO-2, HO-3, HO-4, or HO-6 policy.

b. Standard personal lines policy forms without wind coverage, which are the same as the policies described in sub-subparagraph a. except that they do not include wind coverage.

c. Basic personal lines policy forms including wind coverage, which are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

d. Basic personal lines policy forms without wind coverage, which are the same as the policies described in sub-subparagraph c. except that they do not include wind coverage.

e. Commercial lines residential policy forms including wind coverage that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

f. Commercial lines residential policy forms without wind coverage, which are the same as the policies described in sub-subparagraph e. except that they do not include wind coverage.

3. May provide that the association may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The association shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection. The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association, subject to approval by the department, that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection. The association is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The association shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the association as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4. Must require that the association operate subject to the supervision and approval of a board of governors *consisting of the members of the State Board of Administration. consisting of 13 individuals, including 1 who is elected as chair. The board shall consist of:*

a. ~~The insurance consumer advocate appointed under s. 627.0613.~~

b. ~~Five members designated by the insurance industry.~~

c. ~~Five consumer representatives appointed by the Insurance Commissioner. Two of the consumer representatives must, at the time of appointment, be holders of policies issued by the association, who are selected with consideration given to reflecting the geographic balance of association policyholders. Two of the consumer members must be individuals who are minority persons as defined in s. 288.703(3). One of the consumer members shall have expertise in the field of mortgage lending.~~

d. ~~Two representatives of the insurance industry appointed by the Insurance Commissioner. Of the two insurance industry representatives appointed by the Insurance Commissioner, at least one must be an individual who is a minority person as defined in s. 288.703(3).~~

~~Any board member may be disapproved or removed and replaced by the commissioner at any time for cause. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan.~~

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. With respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the department, a basic policy including wind coverage, the risk is not eligible for any policy issued by the association.

(I) If the risk accepts an offer of coverage through the market assistance program or through a mechanism established by the association, either before the policy is issued by the association or during the first 30 days of coverage by the association, and the producing agent who submitted the application to the association is not currently appointed by the insurer, the insurer shall either:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the association; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the association's usual and customary commission for the type of policy written.

If the new or producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (A).

(II) When the association enters into a contractual agreement for a take-out plan, the producing agent of record of the association policy is entitled to retain any unearned commission on the policy, and the insurer shall either:

(A) Pay to the producing agent of record of the association policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the association; or

(B) Offer to allow the producing agent of record of the association policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the association's usual and customary commission for the type of policy written.

If the new or producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (A). ~~If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the association before a policy is issued to the risk by the association or during the first 30 days of coverage by the association, and the producing agent who submitted the application to the plan or to the association is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of the first year's commission to the producing agent who submitted the application to the plan or the association, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of \$50 to the producing agent in lieu of splitting the commission. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the association; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The association shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.~~

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the association.

(I) If the risk accepts an offer of coverage through the market assistance program or through a mechanism established by the

association, either before the policy is issued by the association or during the first 30 days of coverage by the association, and the producing agent who submitted the application to the association is not currently appointed by the insurer, the insurer shall either:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the association; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the association's usual and customary commission for the type of policy written.

If the new or producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (A).

(II) When the association enters into a contractual agreement for a take-out plan, the producing agent of record of the association policy is entitled to retain any unearned commission on the policy, and the insurer shall either:

(A) Pay to the producing agent of record of the association policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the association; or

(B) Offer to allow the producing agent of record of the association policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the association's usual and customary commission for the type of policy written.

If the new or producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (A). ~~If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the association before a policy is issued to the risk by the association, and the producing agent who submitted the application to the plan or the association is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of the first year's commission to the producing agent who submitted the application to the plan, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of \$50 to the producing agent in lieu of splitting the commission. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the association.~~

c. This subparagraph does not require the association to provide wind coverage or hurricane coverage in any area in which such coverage is available through the Florida Windstorm Underwriting Association.

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income attributable to a particular plan year are in excess of projected losses and expenses of the plan attributable to that year, such excess shall be held in surplus. Such surplus shall be available to defray deficits as to future years and shall be used for that purpose prior to assessing member insurers as to any plan year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the association shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the association shall make its best efforts to procure catastrophe reinsurance at reasonable rates, as determined by the board of governors.

10. Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., or by the Florida Windstorm Underwriting Association under sub-sub-subparagraph (2)(b)2.d.(I) or sub-sub-subparagraph (2)(b)2.d.(II), the association shall levy upon association policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for member insurers for the prior calendar year. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the association must provide that, if the association or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. However, if the risk is located in an area in which Florida Windstorm Underwriting Association coverage is available, such an offer of a standard or basic policy terminates eligibility regardless of whether or not the offer includes wind coverage. Upon termination of eligibility, the association shall provide written notice to the policyholder and agent of record stating that the association policy shall be canceled as of 60 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this subparagraph.

12. Association policies and applications must include a notice that the association policy could, under this section or s. 627.3511, be replaced with a policy issued by an admitted insurer that does not provide coverage identical to the coverage provided by the association. The notice shall also specify that acceptance of association coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

13. May establish, subject to approval by the department, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the association. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

Section 4. Subsection (4) of section 627.3511, Florida Statutes, is amended to read:

627.3511 Depopulation of Residential Property and Casualty Joint Underwriting Association.—

(4) AGENT BONUS.—When the Residential Property and Casualty Joint Underwriting Association enters into a contractual agreement for a take-out plan that provides a bonus to the insurer, the producing agent of record of the association policy is entitled to retain any unearned commission on such policy, and the insurer shall either:

(a) Pay to the producing agent of record of the association policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the

~~usual and customary commission of the association an amount equal to the insurer's usual and customary commission for the type of policy written if the term of the association policy was in excess of 6 months, or one half of such usual and customary commission if the term of the association policy was 6 months or less; or~~

(b) Offer to allow the producing agent of record of the association policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent *the greater of* the insurer's or the association's usual and customary commission for the type of policy written.

If the new or producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with paragraph (a). The insurer need not take any further action if the offer is rejected. This subsection does not apply to any reciprocal interinsurance exchange, nonprofit federation, or any subsidiary or affiliate of such organization. This subsection does not apply if the agent is also the agent of record on the new coverage. The requirement of this subsection that the producing agent of record is entitled to retain the unearned commission on an association policy does not apply to a policy for which coverage has been provided in the association for 30 days or less or for which a cancellation notice has been issued pursuant to s. 627.351(6)(c)11. during the first 30 days of coverage.

Section 5. Subsection (2) of section 627.7013, Florida Statutes is amended to read:

627.7013 Orderly markets for personal lines residential property insurance.—

(2) MORATORIUM COMPLETION.—

(a) As used in this subsection, the term "total number of policies" means the number of an insurer's policies of a specified type that were in force on June 1, 1996, or the date on which this section became law, whichever was later.

(b) The following restrictions apply only to cancellation or nonrenewal of personal lines residential property insurance policies that were in force on June 1, 1996, or the date on which this section became law, whichever was later.

1. In any 12-month period, an insurer may not cancel or nonrenew more than 5 percent of such insurer's total number of homeowner's policies, 5 percent of such insurer's total number of mobile home owner's policies, or 5 percent of such insurer's total number of personal lines residential policies of all types and classes in the state for the purpose of reducing the insurer's exposure to hurricane claims and may not, with respect to any county, cancel or nonrenew more than 10 percent of its total number of homeowner's policies, 10 percent of its total number of mobile home owner's policies, or 10 percent of its total number of personal lines residential policies of all types and classes in the county for the purpose of reducing the insurer's exposure to hurricane claims. This subparagraph does not prohibit any cancellations or nonrenewals of such policies for any other lawful reason unrelated to the risk of loss from hurricane exposure.

2.a. If, for any 12-month period, an insurer proposes to cancel or nonrenew personal lines residential policies to an extent not authorized by subparagraph 1. for the purpose of reducing exposure to hurricane claims, the insurer must file a phaseout plan with the department at least 90 days prior to the effective date of the plan. In the plan, the insurer must demonstrate to the department that the insurer is protecting market stability and the interests of its policyholders. The plan may not be implemented unless it is approved by the department. In developing the plan, the insurer must consider policyholder longevity, the use of voluntary incentives to accomplish the reduction, and geographic distribution. The insurer must demonstrate that under the plan the insurer will not cancel or nonrenew more policies in the 12-month period than the largest number of similar policies the insurer canceled or nonrenewed for any reason in any 12-month period between August 24, 1989, and August 24, 1992.

b. If the insurer considers the number of cancellations and nonrenewals under sub-subparagraph a. to be insufficient, the insurer

may apply for approval of additional cancellations or nonrenewals on the basis of an unreasonable risk of insolvency. In evaluating a request under this sub-subparagraph, the department shall consider and shall require the insurer to provide information relevant to: the insurer's size, market concentration, and general financial condition; the portion of the insurer's business in this state represented by personal lines residential property insurance; the reasonableness of assumptions with respect to size, frequency, severity, and path of hurricanes; the reinsurance available to the insurer and potential recoveries from the Florida Hurricane Catastrophe Fund; and the extent to which the insurer's assets have been voluntarily transferred by dividend or otherwise from the insurer to its stockholders, parent companies, or affiliated companies since June 1, 1996, or the date on which this section became law, whichever was later. In the implementation of exposure reductions under this sub-subparagraph, the department and the insurer shall consider such factors as policyholder longevity, the use of voluntary incentives to accomplish the exposure reduction, and geographic distribution.

c. A policy shall not be counted as having been canceled or nonrenewed for purposes of this subsection if any of the following apply:

(I) The policy was canceled or nonrenewed for an underwriting reason unrelated to the risk of loss from hurricane exposure, nonpayment of premium, or any other lawful reason that is unrelated to the risk of loss from hurricane exposure. The department shall consider the reason specified in the notice of cancellation or nonrenewal to be the reason for the cancellation or nonrenewal unless the department finds by a preponderance of the evidence that the stated reason was not the insurer's actual reason for the cancellation or nonrenewal.

(II) The cancellation or nonrenewal was initiated by the insured.

(III) The insurer has offered the policyholder replacement or alternative coverage at approved rates, which coverage meets the requirements of the secondary mortgage market.

d. In addition to any other cancellations or nonrenewals subject to the limitations in this subsection, a policy shall be considered as having been canceled or nonrenewed for purposes of this subsection if:

(I) The insurer implements a rate increase under the use-and-file provisions of s. 627.062(2)(a)2., which rate increase exceeds 150 percent of the increase ultimately approved by the department, and, while the rate filing was pending, the policyholder voluntarily canceled or nonrenewed the policy and obtained replacement coverage from another insurer, including the Residential Property and Casualty Joint Underwriting Association; or

(II) The insurer reduces the commission to an agent by more than 25 percent and the agent thereafter places the risk with another insurer, including the Residential Property and Casualty Joint Underwriting Association, or the Florida Windstorm Underwriting Association.

e. The department must approve or disapprove an application for a waiver within 90 days after the department receives the application for waiver.

3. In addition to the cancellations or nonrenewals authorized under this section, an insurer may cancel or nonrenew policies to the extent authorized by an exemption from or waiver of either the moratorium created by chapter 93-401, Laws of Florida, or the moratorium phaseout under former s. 627.7013(2).

4. Notwithstanding any provisions of this section to the contrary, this section does not apply to any insurer that, prior to August 24, 1992, filed notice of such insurer's intent to discontinue writing insurance in this state under s. 624.430, and for which a finding has been made by the department, the Division of Administrative Hearings of the Department of Management Services, or a court that such notice satisfied all requirements of s. 624.430. Nothing in this section shall be construed to authorize an insurer to withdraw from any line of property insurance business for the purpose of reducing exposure to risk of hurricane loss if such withdrawal commenced at any time that the

moratorium under chapter 93-401, Laws of Florida, or the moratorium phaseout under this section is in effect.

5. The following actions by an insurer do not constitute cancellations or nonrenewals for purposes of this subsection:

a. The transfer of a risk from one admitted insurer to another admitted insurer, unless the terms of the new or replacement policy place the policyholder in default of a mortgage obligation.

b. An increase in the hurricane deductible applicable to the policy, unless the new deductible places the policyholder in default of a mortgage obligation or the deductible exceeds the limits specified in s. 627.701.

c. Any other lawful change in coverage that does not place the policyholder in default of a mortgage obligation.

d. A cancellation or nonrenewal that is part of the same action as the removal of a policy including windstorm or hurricane coverage from the Residential Property and Casualty Joint Underwriting Association.

6. In order to assure fair and effective enforcement of this subsection, each insurer shall, no later than October 1, 1996, report to the department the policy number of each policy subject to this subsection, arranged by county. The report shall include the policy number for each personal lines residential policy that was in force on June 1, 1996, or the date this section became law, whichever was later. Beginning October 1, 1996, each insurer shall also report, on a monthly basis, all cancellations and nonrenewals of policies included in such policy list and the reasons for the cancellations and nonrenewals.

(c) The department may adopt rules to implement this subsection.

(d) This section shall cease to operate at such time as the department determines that the insured value of all residential properties insured by the Florida Windstorm Underwriting Association and all properties insured by the Residential Property and Casualty Joint Underwriting Association under policies providing wind coverage, combined, has remained below \$25 billion for 3 consecutive months, based on exposure data reported to the department by the associations.

(e) This subsection is repealed on June 1, 2004 ~~2001~~.

Section 6. Effective January 7, 2003, subsection (3) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Department of *Insurance and Financial Services* ~~Banking and Finance~~, the Department of Children and Family Services, the Department of Corrections, the Department of Management Services, the Department of Revenue, and the Department of Transportation, must adhere to the following standard terms:

(a) The principal unit of the department is the "division." Each division is headed by a "director."

(b) The principal unit of the division is the "bureau." Each bureau is headed by a "chief."

(c) The principal unit of the bureau is the "section." Each section is headed by an "administrator."

(d) If further subdivision is necessary, sections may be divided into "subsections," which are headed by "supervisors."

Section 7. Section 20.121, Florida Statutes, is created to read:

20.121 Office of Chief Financial Officer.—Effective January 7, 2003, there is created the Office of Chief Financial Officer. The head of the office is the Chief Financial Officer. Pursuant to s. 4, Art. IV of the State Constitution, the duties of the Chief Financial Officer are to serve as the chief fiscal officer of the state, to settle and approve accounts against the state, and to keep all state funds and securities. The Chief Financial Officer is also the administrator of the Government Employees Deferred

Compensation Plan and is responsible for carrying out laws relating to unclaimed property and security for public deposits.

Section 8. Section 20.131, Florida Statutes, is created to read:

20.131 Department of Insurance and Financial Services.—Effective January 7, 2003, there is created the Department of Insurance and Financial Services. The Governor and Cabinet shall serve as head of the department.

(1) EXECUTIVE DIRECTOR.—The executive director of the Department of Insurance and Financial Services is the chief administrator of the department and shall be appointed by the Governor and Cabinet, subject to confirmation by the Senate. The executive director serves at the pleasure of the Governor and Cabinet. The functions of the executive director are limited to personnel, administrative, and budgetary matters, including administrative coordination of issues that affect areas under the Offices of the Commissioner of Insurance, the Commissioner of Financial Services, and the Commissioner of Securities, and coordination of legislative activities.

(2) DEPARTMENTAL STRUCTURE.—The Governor and Cabinet, as head of the Department of Insurance and Financial Services, shall adopt rules establishing the organizational structure of the department. It is the intent of the Legislature to provide the Governor and Cabinet with the flexibility to organize the department in any manner they determine appropriate to promote both efficiency and accountability, subject to the following requirements:

(a) The major structural unit of the department is the "office." Each office is headed by a "commissioner." The offices are established as follows:

1. Office of the Commissioner of Insurance.—The Office of the Commissioner of Insurance is responsible for all activities of the department relating to the regulation of insurance, insurance fraud, and state government risk management. The head of the office is the Commissioner of Insurance, who is also the State Fire Marshal.

2. Office of the Commissioner of Financial Services.—The Office of the Commissioner of Financial Services is responsible for all activities of the department relating to the regulation of banks, credit unions, other financial institutions, finance companies, and funeral and cemetery services. The head of the office is the Commissioner of Financial Services. The office includes the Division of Financial Investigations, which is headed by a director who is appointed by and serves at the pleasure of the commissioner. The division shall function as a criminal justice agency for purposes of ss. 943.045-943.08 and shall have a separate budget.

3. Office of the Commissioner of Securities.—The Office of the Commissioner of Securities is responsible for all activities of the department relating to the regulation of securities. The head of the office is the Commissioner of Securities.

(b) For purposes of final orders under chapter 120, each commissioner is the agency head for all areas within that commissioner's jurisdiction and shall be responsible for, and take final agency action related to, orders within the regulatory authority delegated to that commissioner's office.

(3) APPOINTMENT AND QUALIFICATIONS OF COMMISSIONERS.—Each commissioner shall be appointed by, and shall serve at the pleasure of, the executive director. Appointment of a commissioner is subject to the approval of the Governor and Cabinet. The minimum qualifications of the commissioners are as follows:

(a) Prior to appointment as commissioner, the Commissioner of Insurance must have had, within the previous 10 years, at least 5 years of responsible private sector experience working full-time in an area under the regulatory jurisdiction of the Office of the Commissioner of Insurance or at least 5 years of experience as a senior examiner or other senior employee of a state or federal agency having regulatory responsibility over insurers or insurance agencies.

(b) Prior to appointment as commissioner, the Commissioner of Financial Services must have had, within the previous 10 years, at least

5 years of responsible private sector experience working full-time in an area under the regulatory jurisdiction of the Office of the Commissioner of Financial Services or at least 5 years of experience as a senior examiner or other senior employee of a state or federal agency having regulatory responsibility over financial institutions or finance companies.

(c) Prior to appointment as commissioner, the Commissioner of Securities must have had, within the previous 10 years, at least 5 years of responsible private sector experience working full-time in an area under the regulatory jurisdiction of the Office of the Commissioner of Securities or at least 5 years of experience as a senior examiner or other senior employee of a state or federal agency having regulatory responsibility over securities companies.

Section 9. Transfers.—

(1) TRANSFERS TO THE OFFICE OF CHIEF FINANCIAL OFFICER.—

(a) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Office of the Comptroller;

(b) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Banking and Finance that relate to the constitutional functions of the Comptroller or to duties relating to unclaimed property;

(c) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Office of the Treasurer, including the Government Employees Deferred Compensation Plan and duties relating to security for public deposits; and

(d) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Insurance that relate to the constitutional functions of the Treasurer

are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Office of Chief Financial Officer.

(2) TRANSFERS TO THE DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES.—

(a) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Banking and Finance not otherwise transferred by this act; and

(b) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Insurance not otherwise transferred by this act

are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Insurance and Financial Services.

(3) This section shall take effect January 7, 2003.

Section 10. *Effective January 7, 2003, the rules of the Department of Banking and Finance and of the Department of Insurance that were in effect on January 6, 2003, shall become rules of the Department of Insurance and Financial Services and shall remain in effect until specifically amended or repealed in the manner provided by law. However, any such rules that relate to the constitutional functions of the Comptroller or the Treasurer shall instead become rules of the Office of Chief Financial Officer and shall remain in effect until amended or repealed in the manner provided by law.*

Section 11. *This act shall not affect the validity of any judicial or administrative action involving the Department of Banking and Finance or the Department of Insurance pending on January 7, 2003, and the Department of Insurance and Financial Services shall be substituted as a party in interest in any such action. However, if the action involves the constitutional functions of the Comptroller or Treasurer, the Office of Chief Financial Officer shall instead be substituted as a party in interest.*

Section 12. *Transitional provisions.*—

(1) *The office of executive director of the Department of Insurance and Financial Services is created effective August 1, 2001. By no later than August 1, 2001, the Governor and Cabinet shall appoint a person, subject to confirmation by the Senate, who will serve as the executive director of the department. However, until the creation of the department takes effect on January 7, 2003, that person shall serve as the head of the Office of Transition Management under subsection (2).*

(2)(a) *There is created the Office of Transition Management. The office shall function independently but shall for administrative purposes be treated as an office of the Executive Office of the Governor.*

(b) *The head of the office is the executive director appointed pursuant to subsection (1), who shall serve at the pleasure of the Governor and Cabinet.*

(c) *The office shall manage the transition to the new Department of Insurance and Financial Services and the new Office of Chief Financial Officer. The management duties of the office shall include, but not be limited to:*

1. *Assuring that, by no later than January 7, 2003, all positions within the Office of the Commissioner of Insurance, the Office of the Commissioner of Financial Services, and the Office of the Commissioner of Securities, including all senior management positions, are occupied by qualified persons.*

2. *Providing written recommendations to the Legislature by no later than January 1, 2002, as to statutory changes that are necessary or desirable to implement a successful transition. These recommendations shall include, but not be limited to, detailed legislative recommendations regarding:*

a. *The need for, and structure of, investigative services by the Office of Chief Financial Officer, including confidentiality requirements.*

b. *Rulemaking procedures for the Department of Insurance and Financial Services, including proposals to streamline the rulemaking process and proposals regarding adoption of emergency rules.*

3. *Providing a written report that specifies, on a position-by-position basis, those positions that are subject to transfer to the Office of Chief Financial Officer under this act. Except as revised by the General Appropriations Act or other legislation, the report under this subparagraph shall be used to determine which positions within the Department of Banking and Finance or the Department of Insurance will become positions within the Office of Chief Financial Officer, and which positions will become positions within the Department of Insurance and Financial Services, on January 7, 2003. The office shall provide the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chair of each fiscal committee or council of the Senate and the House of Representatives.*

4. *Taking action in advance on personnel, purchasing, and administrative matters.*

5. *Submitting to the Governor and Cabinet a proposed organizational plan for the Department of Insurance and Financial Services, which plan the Governor and Cabinet may adopt by rule.*

6. *Providing monthly written status reports to the President of the Senate and the Speaker of the House of Representatives.*

7. *Providing such other information as may be requested by members or staff of the Legislature.*

(d) *The Department of Banking and Finance, the Department of Insurance, the Office of the Comptroller, and the Office of the Treasurer shall fully cooperate with the Office of Transition Management and shall promptly provide the office with any requested information.*

(e) *Funding for the Office of Transition Management shall be as provided in the General Appropriations Act.*

Section 13. *No later than January 31, 2002, the Division of Statutory Revision of the Office of Legislative Services, in consultation with the*

appropriate substantive committee staffs of the Senate and the House of Representatives, shall submit to the President of the Senate and the Speaker of the House of Representatives proposed substantive legislation to conform the Florida Statutes to the provisions of this act. The proposed legislation shall include provisions:

(1) *Changing the term “Comptroller” or “Treasurer” to “Chief Financial Officer” with respect to functions of the Chief Financial Officer.*

(2) *Changing references to the Department of Banking and Finance and the Department of Insurance to the Department of Insurance and Financial Services, except with respect to functions of the Chief Financial Officer.*

(3) *Otherwise conforming the Florida Statutes to the abolition of the offices of Comptroller and Treasurer, the creation of the Office of Chief Financial Officer, the abolition of the Department of Banking and Finance and the Department of Insurance, the creation of the Department of Insurance and Financial Services, and the creation of the offices of Commissioner of Insurance, Commissioner of Financial Services, and Commissioner of Securities within the Department of Insurance and Financial Services.*

Section 14. *Effective January 7, 2003, sections 20.12 and 20.13, Florida Statutes, are repealed.*

Section 15. *There is hereby appropriated \$227,984 from the Grants and Donations Trust Fund in the Executive Office of the Governor and two full-time equivalent (FTE) positions for the purpose of funding the Office of Transition Management within the Executive Office of the Governor. This shall be funded by transfers of \$113,992 from the Administrative Trust Fund of the Department of Banking and Finance and \$113,992 from the Insurance Commissioner’s Regulatory Trust Fund of the Department of Insurance to the Grants and Donations Trust Fund in the Executive Office of the Governor. If funding for the Office of Transition Management is provided in the 2001-2002 General Appropriations Act, this appropriation shall not take effect.*

Section 16. Subsection (6) is added to section 624.3161, Florida Statutes, to read:

624.3161 Market conduct examinations.—

(6) *The department shall adopt rules as necessary to effectuate the market conduct examination process, to assure compliance by the person examined with the applicable provisions of the Insurance Code. Such rules shall not exceed the authority of the statutes involved in the market conduct examination.*

Section 17. Subsection (8) is added to section 626.171, Florida Statutes, to read:

626.171 Application for license.—

(8) *The department shall adopt rules to effectuate the license application process, including photo identification, background checks and credit reports, prelicensing courses, the impact of criminal and law enforcement history, and other relevant information in an effort to determine an applicant’s fitness and trustworthiness to engage in the business of insurance.*

Section 18. Paragraphs (o) and (w) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(o) *Illegal dealings in premiums; excess or reduced charges for insurance.—*

1. *Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.*

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the department, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for a policy of motor vehicle liability, personal injury protection, medical payment, or collision insurance or any combination thereof or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

- (I) Lawfully parked;
- (II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;
- (III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;
- (IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;
- (V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;
- (VI) Finally adjudicated not to be liable by a court of competent jurisdiction;
- (VII) In receipt of a traffic citation which was dismissed or nolle prossed; or
- (VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.

b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract or coverage, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured with the same exposure at a higher premium rate or continuing an existing contract or coverage with the same exposure at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, *location of the risk*, *accidents more than 3 years old*, or scholastic achievement.

10. Imposing or requesting an additional premium for motor vehicle comprehensive or uninsured motorist coverage solely because the insured was involved in a motor vehicle accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

(w) Soliciting or accepting new or renewal insurance risks by insolvent or impaired insurer prohibited; penalty.—

1. Whether or not delinquency proceedings as to the insurer have been or are to be initiated, but while such insolvency or impairment exists, no director or officer of an insurer, except with the written permission of the Department of Insurance, shall authorize or permit the insurer to solicit or accept new or renewal insurance risks in this state after such director or officer knew, or reasonably should have known, that the insurer was insolvent or impaired. "Impaired" includes impairment for capital or surplus, as defined in s. 631.011(12)(9) and (13)(10).

2. Any such director or officer, upon conviction of a violation of this paragraph, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 19. Section 626.9552, Florida Statutes, is created to read:

626.9552 *Single interest insurance.*—

(1) *When single interest insurance is written at the expense of the purchaser or borrower in connection with a finance or loan transaction, a clear and concise statement must be furnished the purchaser or borrower advising the purchaser or borrower that the insurance effected is solely for the interest of the financing entity, and that no protection thereunder exists for the benefit of the purchaser or borrower. When single interest insurance is written, no effort may be made by the insurer to recover the amount of any payment from the borrower. Single interest insurance policies must be clearly stamped or printed on the declarations page, "Single Interest Only—No Subrogation." Single interest insurance is to be placed only after it has been determined that no other kind of insurance can be placed on the risk, except with the consent of the purchaser or borrower. Single interest may be written in cases of inland marine installment sales floater policies. If insurance cannot be obtained for the dual protection of the purchaser or borrower, and the seller or lender or financing entity for all the coverages contemplated, or if obtained, is canceled by the insurer before expiration, the seller or lender or financing entity may obtain insurance to protect his or her interest in the motor vehicle or other personal property, and the purchaser or borrower may be required to pay the cost thereof. In such event the seller or lender or financing entity shall promptly notify the purchaser or borrower that such insurance cannot be obtained, or has been canceled, and credit to the purchaser or borrower the difference between the amount charged for dual protection insurance and the actual cost of such single interest insurance, less, in the event of cancellation, the earned premium on the dual interest insurance for the period it was in force. If the purchaser or borrower procures acceptable dual interest insurance within 30 days after the date of such notice and provides the seller or lender, or finance entity with evidence that the premium therefore has been paid, there is no charge to him or her for the single interest coverage. As used in this section, the term "financing entity" means a finance company, bank, or other lending institution. However, those lenders licensed under the Consumer Finance Act, chapter 516, must provide coverage issued in the name of the borrower containing the customary mortgagee or loss payee clause.*

(2) *If a certificate is issued under a master policy, the same coverage as provided in an individual policy will apply.*

(3) *The provisions of this section do not apply to title insurance as defined in s. 624.608.*

Section 20. Paragraph (a) of subsection (2) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on such classes of insurance written in this state. ~~Copies~~ ~~A copy~~ of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, shall be filed with the department under one of the following procedures:

1. If the filing is made at least 90 days before the proposed effective date and the filing is not implemented during the department's review of the filing and any proceeding and judicial review, then such filing shall be considered a "file and use" filing. In such case, the department shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the department of its preliminary findings shall not toll the 90-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the department does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.

2. If the filing is not made in accordance with the provisions of subparagraph 1., such filing shall be made as soon as practicable, but no

later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the department to return to policyholders portions of rates found to be excessive, as provided in paragraph (h).

Section 21. Subsection (4) is added to section 627.0625, Florida Statutes, to read:

627.0625 Commercial property and casualty risk management plans.—

(4) *Commercial motor vehicle policies that are issued to satisfy mandatory financial responsibility requirements of a state or local government must provide first dollar coverage to third-party claimants without a deductible. With respect to such practices, the department may adopt rules necessary to assure that claims are administered fairly as required by law.*

Section 22. Subsection (8) of section 627.0651, Florida Statutes, is amended to read:

627.0651 Making and use of rates for motor vehicle insurance.—

(8) Rates are not unfairly discriminatory if averaged broadly among members of a group; nor are rates unfairly discriminatory even though they are lower than rates for nonmembers of the group. However, such rates are unfairly discriminatory if they are not actuarially measurable and credible and sufficiently related to actual or expected loss and expense experience of the group so as to assure that nonmembers of the group are not unfairly discriminated against. Use of a single United States Postal Service zip code as a rating territory shall be deemed unfairly discriminatory. *An insurer may not impose a surcharge or discount for liability coverages based on the type of vehicle without providing acceptable actuarial justification.*

Section 23. Section 627.385, Florida Statutes, is created to read:

627.385 Conduct of residual market board members.—

(1)(a) *For various insurance coverages, a residual market has been created by legislation to provide a market of last resort for individuals unable to secure coverage in the voluntary market.*

(b) *Each residual market's enabling legislation calls for the establishment of a board of governors or directors that operates subject to a plan of operation. The board, in carrying out its obligations, must engage in business transactions in order to provide and administer the required coverage and maintain adequate funds to support the plan. In order for the board to fully execute its responsibilities required by law, conflict of interest or inappropriate activity by board members, or the appearance thereof, with regard to member insurers or policyholders of the residual market mechanism must be avoided. The Legislature has determined that the provisions set forth in subsection (2) are necessary to protect the public interest by ensuring fair, reasonable, and beneficial board practice and activity.*

(c) *This section applies to the Florida Medical Malpractice Joint Underwriting Association, the Florida Automobile Joint Underwriting Association, the Florida Workers' Compensation Joint Underwriting Association, the Florida Comprehensive Health Association, the Florida Windstorm Underwriting Association, the Florida Property and Casualty Joint Underwriting Association, the Florida Residential Property and Casualty Joint Underwriting Association, and the board members thereof.*

(2) *To ensure that the board is free from potential conflict or inappropriate behavior the following are adopted in the plan of operation of the subject residual market in this state.*

(a) *A board member may not act as a servicing carrier or administering entity for the subject plan, other than a claim adjustment contract open to all members of the plan.*

(b) *A board member or board member representative may not use his or her position to foster or facilitate any special pecuniary gain for himself or herself, his or her member company, or any other entity in*

which the board member or board member representative or the member company has a substantial financial interest, except as otherwise provided in paragraph (a).

(c) A board member or board member representative may not use his or her position on the board to secure or promote any business relationship from which he or she may derive a financial gain.

(d) A board member or designee may not receive any gift or gratuity, except as provided in s. 112.3248, other than meals, while acting in his or her capacity as a board member.

(3) Board members and board member representatives shall maintain reasonable board expenses based on state travel policy as set forth in s. 112.061. The board shall develop a detailed policy regarding board member travel, which policy must be based on s. 112.061 and is subject to the approval of the department.

Section 24. Section 627.4065, Florida Statutes, is created to read:

627.4065 Insured's right to return policy; notice.—A health insurance policy issued or issued for delivery in this state must have printed or stamped thereon or attached thereto a notice in a prominent place stating in substance that the policyholder may return the policy to the insurer within 10 days after its delivery and may have the premium paid refunded if, after examination of the policy or contract, the policyholder is not satisfied with it for any reason. The notice must provide that if the policyholder, pursuant to such notice, returns the policy or contract to the insurer at its home office or branch office or to the agent through whom it was purchased, it is considered void from the beginning and the parties are in the same position as if no policy or contract had been issued. This section does not apply to group policies, single premium nonrenewable policies or travel accident policies.

Section 25. Section 627.41345, Florida Statutes, is created to read:

627.41345 Certificate of insurance.—An insurer or agent may not issue or sign a certificate of insurance that contains terms or conditions that differ from those in the policy under which the certificate of insurance is issued. In the event of a conflict, the terms of the policy under which the certificate of insurance is issued shall control.

Section 26. Subsection (9) is added to section 627.7015, Florida Statutes, to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(9) For purposes of this section, the term "claim" refers to any dispute between an insurer and an insured relating to a material issue of fact other than a dispute:

(a) With respect to which the insurer has a reasonable basis to suspect fraud;

(b) Where, based on agreed-upon facts as to the cause of loss, there is no coverage under the policy;

(c) With respect to which the insurer has a reasonable basis to believe that the claimant has intentionally made a material misrepresentation of fact which is relevant to the claim, and the entire request for payment of a loss has been denied on the basis of the material misrepresentation; or

(d) Where the amount in controversy is less than \$500, unless the parties agree to mediate a dispute involving a lesser amount.

Section 27. Section 627.7276, Florida Statutes, is amended to read:

627.7276 Notice of limited coverage.—

(1) The following notice of limited coverage shall ~~An automobile policy that does not contain coverage for bodily injury and property damage must~~ be clearly stamped or printed on any automobile insurance policy that provides coverage only for first-party damage to the insured vehicle, but does not provide coverage for bodily injury liability, property damage liability, or personal injury protection to the effect that such coverage is not included in the policy in the following manner:

"THIS POLICY DOES NOT PROVIDE BODILY INJURY LIABILITY, AND PROPERTY DAMAGE LIABILITY, OR PERSONAL INJURY PROTECTION INSURANCE OR ANY OTHER COVERAGE FOR WHICH A SPECIFIC PREMIUM CHARGE IS NOT MADE, AND DOES NOT COMPLY WITH ANY FINANCIAL RESPONSIBILITY LAW OR WITH THE FLORIDA MOTOR VEHICLE NO-FAULT LAW."

(2) This legend must appear on the policy declaration page ~~and on the filing back of the policy~~ and be printed in a contrasting color from that used on the policy and in type larger than the largest type used in the text thereof, as an overprint or by a rubber stamp impression.

Section 28. Section 627.795, Florida Statutes, is created to read:

627.795 Policy exceptions.—

(1) A title insurance commitment must be issued on all real estate closing transactions when a title insurance policy is to be issued, except for multiple conveyances on the same property such as timesharing.

(2) A gap exception may not be deleted on a commitment until the time of closing.

Section 29. Subsection (1) of section 627.918, Florida Statutes, is amended to read:

627.918 Reporting formats.—

(1) The department shall require that the reporting provided for in this part be made on forms ~~adopted established~~ by the department or in a format compatible with the department's ~~its~~ electronic data processing equipment. The department shall adopt by rule standards for such approval.

Section 30. Subsection (3) of section 641.3108, Florida Statutes, is amended to read:

641.3108 Notice of cancellation of contract.—

(3) In the case of a health maintenance contract issued to an employer or person holding the contract on behalf of the subscriber group, the health maintenance organization may make the notification through the employer or group contract holder, and, if the health maintenance organization elects to take this action through the employer or group contract holder, the organization shall be deemed to have complied with the provisions of this section upon notifying the employer or group contract holder of the requirements of this section and requesting the employer or group contract holder to forward to all subscribers the notice required herein. *If a subscriber group contract is not renewed due to claim experience, the subscriber group is entitled to receive information concerning its loss ratio. If requested by a subscriber group, a detailed claim experience record may be provided at a reasonable expense. The record shall maintain subscriber confidentiality.*

Section 31. Subsection (7) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if the insurer or agent has collected from the insured an amount equal to 2 months' premium. An insurer, agent, or premium finance company may not directly or indirectly take any action resulting in the insured having paid from the insured's own funds an amount less than the 2 months' premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. This subsection does

not apply if all policy payments are paid pursuant to a payroll deduction plan or an automatic electronic funds transfer payment plan from the policyholder, provided that the first policy payment may be made by cash, cashier's check, check, or a money order. This subsection and subsection (4) do not apply if all policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent or a managing general agent, or if the policy is issued pursuant to the transfer of a book of business by an agent from one insurer to another, provided that ~~and~~ if the policy includes, at a minimum, personal injury protection pursuant to ss. 627.730-627.7405; motor vehicle property damage liability pursuant to s. 627.7275; and bodily injury liability in at least the amount of \$10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one accident. This subsection and subsection (4) do not apply if an insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

Section 32. Subsection (1) of section 627.901, Florida Statutes, is amended to read:

627.901 Premium financing by an insurance agent or agency.—

(1) A general lines agent may make reasonable service charges for financing insurance premiums on policies issued or business produced by such an agent or agency, s. 626.9541 notwithstanding. The service charge shall not exceed \$1 per installment, or a \$6 total service charge per year, for any premium balance of \$120 or less. For any premium balance greater than \$120 but not more than \$220, the service charge shall not exceed \$9 per year. The maximum service charge for any premium balance greater than \$220 shall not exceed \$12 per year. In lieu of such service charges, an insurance agent or agency may charge interest or service charges, which may be level amounts and subject to endorsement changes, that in the aggregate do not exceed ~~a rate of interest not to exceed~~ 18 percent simple interest per year on the average unpaid balance as billed over the term of the policy.

Section 33. Section 626.9651, Florida Statutes, is created to read:

626.9651 Privacy.—The department shall adopt rules consistent with other provisions of the Insurance Code to govern the use of a consumer's nonpublic personal financial and health information. These rules shall be based on, consistent with, and not more restrictive than the National Association of Insurance Commissioners' Privacy of Consumer Financial and Health Information Regulation adopted September 26, 2000, by the National Association of Insurance Commissioners, provided, however, the rules shall permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research in accordance with federal law. In addition, these rules shall be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999 (Pub. L. No. 106-102). Any health insurer or health maintenance organization determined by the department to be in compliance with, or to be actively undertaking compliance with, the consumer privacy protection rules promulgated by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, shall be deemed in compliance with this section. This section shall take effect July 1, 2001.

Section 34. Section 631.001, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 631.001, F.S., for present text.)

631.001 Construction; purposes.—

(1) The underlying purposes and policies of the provisions of this part, which are integral elements of the regulation of the business of insurance and are of vital public interest and concern, are to:

(a) Protect the interests of insureds, claimants, creditors, and the public.

(b) Provide a comprehensive scheme for the receivership of insurers.

(c) Establish this state as a reciprocal state in those states which, in substance and effect, enact the National Association of Insurance Commissioners Rehabilitation and Liquidation Model Act or the Uniform Insurers Liquidation Act.

(d) Make more efficient the administration of insurer receiverships on an interstate and international basis.

(e) Provide prompt corrective measures for any potentially dangerous condition in an insurer.

(f) Implement improved methods for rehabilitating insurers, which methods involve the cooperation and management expertise of the insurance industry.

(g) Enhance the efficiency and economy of liquidation through clarification and specification of the law to minimize legal uncertainty and litigation.

(h) Lessen the problems of interstate rehabilitation and liquidation of an entity subject to the provisions of this part by facilitating cooperation between states in the liquidation process and by extension of the scope of personal jurisdiction over debtors of the insurer outside this state.

(i) Establish a system which equitably apportions any unavoidable loss.

(j) Maximize recovery of assets for the benefit of the insurer and its policyholders, creditors, and estate.

(2) This part shall be liberally construed to effect the purposes stated in subsection (1) and shall specifically authorize the department in its capacity as administrator, conservator, rehabilitator, receiver, liquidator, or similar capacity to pursue any actions for damages or other recoveries on behalf of the insurer and its policyholders, creditors, and estate.

(3) This part may be cited as the "Insurers Rehabilitation and Liquidation Act."

Section 35. Section 631.011, Florida Statutes, is amended to read:

631.011 Definitions.—For the purpose of this part, the term:

(1) "Affiliate" means any entity which exercises control over or is controlled by the insurer, directly or indirectly through:

(a) Equity ownership of voting securities;

(b) Common managerial control; or

(c) Collusive participation by the management of the insurer and affiliate in the management of the insurer or the affiliate.

(2) "Ancillary state" means, any state other than a domiciliary state.

(3) "Assets," as used in this section ~~subsections (8)-(10)~~, means only allowed assets as defined in chapter 625.

(4) "Bona fide holder for value" means a holder who, while not possessing information that would lead a reasonable person in the holder's position to believe that the insurer is financially impaired, and while unaware of the imminence or pendency of any receivership proceeding against the insurer, has, in the exercise of reasonable business judgment, exchanged his or her own funds, assets, or property for funds, assets, or property of the insurer having an equivalent market value.

(5)(4) "Court" refers to the circuit court in which the receivership proceeding is pending.

(6)(5) "Delinquency proceeding" means any proceeding commenced against an insurer pursuant to this chapter for the purpose of liquidating, rehabilitating, reorganizing, or conserving such insurer.

(7)(6) "Domiciliary state" means the state in which an insurer is incorporated or organized or, in the case of an insurer incorporated or

organized in a foreign country, the state in which such insurer, having become authorized to do business in such state, has, at the commencement of a delinquency proceeding, the largest amount of its assets held in trust and assets held on deposit for the benefit of its policyholders or policyholders and creditors in the United States; and any such insurer is deemed to be domiciled in such state.

(8) *“Fair consideration” means that consideration which is given for property or assets of an insurer when, in exchange for the property or assets and in good faith, property is conveyed, services are rendered, or an enforceable obligation not invalidated by the receivership proceedings is created, having a value to the insurer of not less than the value of the property or assets given in exchange.*

(9)(7) *“Foreign country” means territory not in any state.*

(10)(8) *“General assets” means all property, real, personal, or otherwise, not specifically mortgaged, pledged, deposited, or otherwise encumbered for the security or benefit of specified persons or a limited class or classes of persons, and as to such specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and assets held on deposit for the security or benefit of all policyholders or all policyholders and creditors in the United States shall be deemed general assets.*

(11) *“Good faith,” as applied to a transferee or transferor under this part, means honesty in fact and intention and includes the exercise of reasonable business judgment, together with the absence of information that would lead a reasonable person in the same position to know that the insurer is financially impaired or insolvent and together with the absence of knowledge regarding the imminence or pendency of any receivership proceeding against the insurer.*

(12)(9) *“Impairment of capital” means that the minimum surplus required to be maintained in s. 624.408 has been dissipated and the insurer is not possessed of assets at least equal to all its liabilities together with its total issued and outstanding capital stock, if a stock insurer, or the minimum surplus or net trust fund required by s. 624.407, if a mutual, reciprocal, or business trust insurer.*

(13)(10) *“Impairment of surplus” means that the surplus of a stock insurer, the additional surplus of a mutual or reciprocal insurer, or the additional net trust fund of a business trust insurer does not comply with the requirements of s. 624.408.*

(14)(11) *“Insolvency” means that all the assets of the insurer, if made immediately available, would not be sufficient to discharge all its liabilities or that the insurer is unable to pay its debts as they become due in the usual course of business. When the context of any provision of this code so indicates, insolvency also includes and is defined as “impairment of surplus,” as defined in subsection (13)(9), and “impairment of capital,” as defined in subsection (12)(8).*

(15)(12) *“Insurer,” in addition to persons so defined under s. 624.03, also includes persons purporting to be insurers or organizing, or holding themselves out as organizing, in this state for the purpose of becoming insurers and all insurers who have insureds resident in this state.*

(16)(13) *“Liabilities,” as used in subsections (12) and (14) (8)-(10), means all liabilities, including those specifically required in s. 625.041.*

(17)(14) *“Person” includes natural persons, corporations, partnerships, trusts, estates, and sole proprietorships.*

(18) *“Property,” with respect to an insolvent entity, includes all right, title, and interest of the insolvent entity whether legal or equitable, tangible or intangible, or choate or inchoate and includes choses in action, contract rights, and any other interest recognized under the laws of this state. When an order of conservation, rehabilitation, or liquidation is entered, the term also includes entitlements that existed prior to the entry of the order and those that may arise by operation of the provisions of this chapter or other provisions of law allowing the department to avoid prior transfers or assert other rights in its capacity as receiver. The term also includes all records and data that are otherwise the property*

of the insolvent insurer, however stored, including, but not limited to, claims and claim files, application files, litigation files, premium records, rate books, underwriting manuals, personnel records, or financial records, or similar records within the possession, custody, or control of a managing general agent, third-party administrator, management company, accountant, attorney, affiliate, or other person. The term does not include privileged or confidential documents of an insolvent insurer generated by a third party.

(19)(15) *“Receiver” means a receiver, liquidator, rehabilitator, or conservator, as the context may require.*

(20)(16) *“Reciprocal state” means any state other than this state in which in substance and effect the provisions of the Insurers Rehabilitation and Liquidation Act are in force, including the provisions requiring that the commissioner of insurance or equivalent insurance supervisory official be the receiver of a delinquent insurer.*

(21)(17) *“Secured claim” means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow, or otherwise but does not include a special deposit claim, a claim against general assets, or a claim based on mere possession. The term also includes a claim which more than 4 months before the commencement of a delinquency proceeding in the state of the insurer’s domicile has become a lien upon specific assets by reason of judicial process.*

(22)(18) *“Special deposit claim” means any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any general assets.*

(23)(19) *“State” is as defined in s. 624.08.*

Section 36. Section 631.025, Florida Statutes, is created to read:

631.025 Persons and entities subject to this part.—Delinquency proceedings authorized by this part may be initiated against any insurer as defined in s. 631.011(15) if the statutory grounds are present as to that insurer, and the receivership court may exercise jurisdiction over any person required to cooperate with the department pursuant to s. 631.391 and over all persons made subject to the court’s jurisdiction by other provisions of law. Such persons include, but are not limited to:

(1) *A person who is transacting or has transacted insurance business in or from this state and against whom claims arising from that business exist or may exist in the future.*

(2) *A person who purports to transact an insurance business in this state, and any person or entity who acts as an insurer, transacts insurance, or otherwise engages in insurance activities in or from this state, with or without a certificate of authority or proper authority from the department.*

(3) *An insurer who has insureds residing in this state.*

(4) *All other persons organized or in the process of organizing with the intent to transact an insurance business in this state.*

Section 37. Paragraph (d) of subsection (1) of section 631.041, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

631.041 Automatic stay; relief from stay; injunctions.—

(1) An application or petition under s. 631.031 operates as a matter of law as an automatic stay applicable to all persons and entities, other than the receiver, which shall be permanent and survive the entry of an order of conservation, rehabilitation, or liquidation, and which shall prohibit:

(d) Any act to create, perfect, or enforce a lien against property of the insurer, except that a secured claim as defined in s. 631.011(21)(17) may proceed under s. 631.191 after the order of liquidation is entered;

(6) *No statute of limitations or defense of laches shall run with respect to any action by or against an insurer between the filing of a petition for conservation, rehabilitation, or liquidation against an insurer and the order granting or denying that petition. If the petition is*

denied, any action against the insurer that might have been commenced when the petition was filed may be commenced for at least 60 days after the order denying such relief.

Section 38. Section 631.113, Florida Statutes, is created to read:

631.113 Extension of time.—

(1) The running of any unexpired statute of limitations as to any claims brought by the administrator, conservator, rehabilitator, receiver, or liquidator, or an official or agency exercising powers pursuant to this chapter seeking damages or other recoveries on behalf of an insurer, its policyholders, its creditors, or its estate, shall be tolled for a period of 4 years from the entry of an order placing the administrator, conservator, rehabilitator, receiver, liquidator, or similar official or agency over the insurer, provided, if the delinquency proceedings brought pursuant to this chapter against the insurer terminate in less than 4 years, such tolling shall cease at the time when the proceedings are finally concluded, including all appeals therefrom. Further, the right of action does not accrue and the limitations period for any such action does not run during the time when the insurer is controlled by parties acting contrary to the company's interests or when the facts giving rise to such claim are fraudulently concealed from regulatory authorities or from any members of company management. The provisions of chapter 95 shall be construed so as to be consistent with the provisions of this section. The receiver may institute any action or proceeding on behalf of the estate of the insurer while any statute of limitation is tolled pursuant to this section. The tolling shall be in addition to any other applicable tolling provision.

(2) For actions not covered by subsection (1), if any unexpired time period is fixed, by any agreement or in any proceeding, for doing any act for the benefit of the estate, the receiver shall have 180 days, or such longer period as the receivership court may allow for good cause shown, from the entry of the order of rehabilitation or liquidation to perform the act.

Section 39. Present subsections (6) through (9) of section 631.141, Florida Statutes, are renumbered as subsections (7) through (10), respectively, and a new subsection (6) is added to that section to read:

631.141 Conduct of delinquency proceeding; domestic and alien insurers.—

(6) The department as receiver is vested with and may assert all rights belonging to policyholders, creditors, and the estate as well as all rights of the entity or entities in receivership, except to the extent that an individual claim is personal and unique to that claimant and recovery thereon could not inure to the benefit of the estate or to other claimants.

Section 40. Paragraph (d) of subsection (6) of section 631.154, Florida Statutes, is amended to read:

631.154 Funds or other property in the possession of third person.—

(6) Should the receiver be successful in establishing its claim or any part thereof, the receiver shall be entitled to recover judgment for the following:

(d) All costs, investigative and other expenses, which include the department's in-house staff and staff attorney's expenses, costs, and salaries, expended in necessary to the recovery of the property or funds, and reasonable attorney's fees.

Section 41. Section 631.156, Florida Statutes, is created to read:

631.156 Investigation by the department.—

(1) Preliminary or incidental to a petition for receivership proceedings, the department may, and if appointed receiver shall, undertake a full investigation to determine the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, whether the filing of false statements with the department contributed to the insolvency, and, in conjunction with the department's Division of Insurance Fraud or any other appropriate agency of state or federal government, whether any law of this state, any other state, or the Federal Government relating to the solvency of the

insurer has been violated. In the furtherance of such investigation, the department may:

(a) Examine and review any and all documents that are reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.

(b) Take statements or depositions under oath of any person whose testimony is reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery of and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.

(c) Request the court having jurisdiction over the receivership proceedings to issue any necessary subpoenas.

(d) Examine and review the books, records, and documents of any affiliate, controlling person, officer, director, manager, trustee, agent, adjuster, employee, or independent contractor of any insurer or affiliate and any other person who possesses any executive authority over, or who exercises or has exercised any control over, any segment of the affairs of the insurer or affiliate, to the extent such examination is reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.

(2) In its capacity as receiver, the department may provide documents, books and records, other investigative products, work product, and analysis, including copies of any or all of the foregoing items, to the Division of Insurance Fraud or any other appropriate agency of state or federal government. The sharing of information, investigative products, or analysis shall not waive any work product or other privilege that would otherwise apply under common law, chapter 119, or any other law.

(3) The department, as the court's receiver, is granted the discretion to determine what books, records, documents, or testimony would be reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of the assets, the truth or falsity of statements filed with the department, and whether any law of this state or of the United States has been violated, subject to the court's power to review such determination or appoint a general master to review such determination. A party asserting that any documents requested by the department under this section are not subject to review, or that any particular testimony may not be obtained, shall present such contention by written motion to the receivership court within 20 days after receipt of the request and shall be fully responsible for the loss of any evidence which occurs after the department first informs said party of its request therefor. The court shall, as expeditiously as possible, determine whether the department has abused its discretion in seeking such evidence or testimony, with the objecting party having the burden of proof. A party who fails to produce the requested evidence or testimony without filing a proper timely objection, or who having unsuccessfully asserted such objection fails thereafter to furnish the evidence or testimony, within the time provided by the court or the department, shall be subject to the contempt powers of the court, in addition to any other applicable penalties which may be provided in the Florida Insurance Code or other law.

Section 42. Section 631.157, Florida Statutes, is created to read:

631.157 Civil action by the receiver.—

(1) Any person who is engaged in the business of insurance or who acts as or is an officer, director, agent, or employee of any person engaged in the business of insurance, or is involved, other than as an insured or beneficiary under a policy of insurance, in a transaction relating to the conduct of affairs of such a business, and who willfully obtains or uses, as defined in s. 812.012(2), any asset or property, including, but not

limited to, moneys, funds, premiums, credits, or other property of an insurer, shall be liable to the department as receiver for the use and benefit of an insolvent insurer's estate, creditors, and policyholders, as follows:

(a) If such obtaining or using did not jeopardize the safety and soundness of an insurer and was not a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable only for the full amount of any asset obtained or used, plus prejudgment interest provided by law.

(b) If such obtaining or using jeopardized the safety and soundness of an insurer or was a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable for triple the full amount of any asset obtained or used, plus prejudgment interest provided by law on the original amount.

(2) Any person who is engaged in the business of insurance or who acts as or is an officer, director, agent, or employee of any person engaged in the business of insurance, or is involved, other than as an insured or beneficiary under a policy of insurance, in a transaction relating to the conduct of affairs of such a business, and who, while having actual knowledge or such constructive knowledge as should have been obtained through reasonable inquiry by a person in such position, if such person knowingly misreports, or knowingly makes any false entry of, a material fact in any book, report, or statement of an insurer with the intent to deceive such insurer, including any officer, employee, or agent of such insurer, the department, or any agent or examiner appointed by the department to examine the affairs of such person or of the insurer, concerning the financial condition or solvency of such business, shall be liable to the department as receiver for the use and benefit of an insolvent insurer's estate, creditors, and policyholders, as follows:

(a) If such misreporting did not jeopardize the safety and soundness of an insurer and was not a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable only for the full amount of any asset misreported.

(b) If such misreporting jeopardized the safety and soundness of an insurer or was a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable for triple the full amount of any asset misreported.

(3) If the asset or property that has been obtained or used was reported to the department as being available to the insurer as an admitted asset and such asset is unavailable to the receiver for payment of the obligations of the insurer at the time when a receivership proceeding is instituted, the obtaining or using shall be presumed to have jeopardized the safety and soundness of the insurer and to have been a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, with the burden of proof on the defendants to show otherwise.

(4) If the receiver is successful in establishing a claim under this section, the receiver shall be entitled to recover all of its costs, investigative and other expenses, which shall include the department's in-house staff and staff attorney's expenses, costs, and salaries, expended in the prosecution of the action, and reasonable attorney's fees. The receiver shall be exempt from the provisions of s. 57.111.

(5) An action under this section may be brought at any time before the expiration of 4 years after the entry of the initial order of rehabilitation or liquidation under this part but shall be filed before the time the receivership proceeding is closed or dismissed.

Section 43. Paragraph (b) of subsection (1) of section 631.57, Florida Statutes, is amended to read:

631.57 Powers and duties of the association.—

(1) The association shall:

(b) Be deemed the insurer to the extent of its obligation on the covered claims, and, to such extent, shall have all rights, duties, defenses, and obligations of the insolvent insurer as if the insurer had

not become insolvent. In no event shall the association be liable for any penalties or interest.

Section 44. Section 631.3995, Florida Statutes, is created to read:

631.3995 Closing of estate; Closed Estate Fund Trust Account.—

(1) When all assets justifying the expense of collection and distribution have been marshaled and distributed under this part, the department shall petition the court to terminate the liquidation proceedings and to close the estate. The court may grant such other relief as may be appropriate, including, but not limited to, a full discharge of all liability and responsibility of the liquidator, the reservation of assets for administrative expenses incurred in the closing of the estate, and any other actions the department feels necessary or appropriate for closing the estate.

(2) Any remaining reserved assets that are provided for in subsection (1) and that may not be practicably or economically distributed to claimants shall be deposited into a segregated account to be known as the Closed Estate Fund Trust Account, if created by law. The department may use moneys held in the account for paying the administrative expenses of companies subject to this part that lack sufficient assets to allow the department to perform its duties and obligations under this part. An annual audit of the Closed Estate Fund Trust Account shall be performed regardless of its balance.

(3) The department may petition the court to reopen the proceedings for good cause shown, including the marshaling of additional assets, and the court may enter such other orders as may be deemed appropriate.

Section 45. Subsection (3) of section 631.54, Florida Statutes, is amended to read:

631.54 Definitions.—As used in this part:

(3) "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of, and is within the coverage, and not in excess of, the applicable limits of an insurance policy to which this part applies, issued by an insurer, if such insurer becomes an insolvent insurer after October 1, 1970, and the claimant or insured is a resident of this state at the time of the insured event or the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation, contribution, indemnification, recoveries or otherwise. Member insurers shall have no right of subrogation against the insured of any insolvent member.

Section 46. Section 817.2341, Florida Statutes, is created to read:

817.2341 Crimes by or affecting persons engaged in the administration of any insurer or entity organized pursuant to chapter 624 or chapter 641.—

(1)(a) Any person who makes a false entry of a material fact in any book, report, or statement relating to a transaction of an insurer or entity organized pursuant to chapter 624 or chapter 641, intending thereby to deceive any person about the financial condition or solvency of such insurer or entity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If such false entry of a material fact is made with the intent to deceive any person as to the impairment of capital, as defined in s. 631.011(12), of such insurer or entity or is the significant cause of such insurer or entity being placed in conservation, rehabilitation, or liquidation by a court, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Any person who knowingly makes a material false statement or report to the department or any agent of the department, or who knowingly and materially overvalues any property in any document or report prepared to be presented to the department or any agent of the department, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If such material false statement or report or such material overvaluation is made with the intent to deceive any person as to the

impairment of capital, as defined in s. 631.011(12), of an insurer or entity organized pursuant to chapter 624 or chapter 641, or is the significant cause of such insurer or entity being placed in conservation, rehabilitation, or liquidation by a court, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 47. Subsection (7) is added to section 631.57, Florida Statutes, to read:

631.57 Powers and duties of the association.—

(7) Notwithstanding any other provision of law, the net direct written premiums of medical malpractice insurance are not subject to assessment under this section to cover claims and administrative costs for the type of insurance defined in s. 624.604.

Section 48. Except as otherwise provided herein, this act shall take effect July 1, 2001.

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 financial matters; amending s. 624.4072, F.S.; extending the term of the exemption from taxes and assessments on minority-owned property and casualty insurers; postponing the scheduled repeal of the law; amending s. 627.0628, F.S.; providing for disclosure of certain information in connection with the use of hurricane loss projection models; amending s. 627.351, F.S.; specifying membership of the boards of the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association; revising criteria for limited apportionment; providing rate standards; specifying applicability of mandatory take-out provisions; specifying duties with respect to pursuit of federal tax exemptions and tax-free bond status; providing premium tax exemption; providing for appropriation of funds for hurricane loss mitigation purposes; providing standards for certain payments to agents of record of Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting Association policies; amending s. 627.3511, F.S.; revising agent compensation in connection with take-out plans; amending s. 627.7013, F.S.; delaying the repeal date of the moratorium on hurricane-related cancellation or nonrenewal of property insurance policies; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance, Commissioner of Financial Services, and Commissioner of Securities; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner's office; transferring certain powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing an appropriation; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating s. 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms

for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term "claim" for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer's nonpublic personal financial and health information by health insurers and health maintenance organizations; providing standards governing the rules; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; providing effective dates.

Rep. Lee moved the adoption of the amendment, which was adopted.

Representative(s) Clarke offered the following:

(Amendment Bar Code: 970727)

Amendment 2 (with title amendment)—On page 1, line 10, insert:

Section 1. Paragraph (e) is added to subsection (1) of section 28.101, Florida Statutes, to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(e) A charge of \$50. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the authorized insurer, or eligible surplus lines insurer, selected pursuant to chapter 287, for the issuance of a policy of insurance to provide child support payments when the payor's employment has been involuntarily terminated. The \$50 charge may be reduced to the actual premium amount for such policy as determined through the competitive bidding process and chapter 287.

1. The policy required by this paragraph shall provide for the payment of child support amounts due to the child or the child's legal guardian. Payments shall be made, after a reasonable waiting period, on behalf of the obligated person when the obligated person has become unemployed by reason of involuntary unemployment. "Involuntary unemployment" means unemployment due to strikes, lockouts, individual and mass layoffs, or loss of income due to business failure or bankruptcy. Payments shall be equal to the monthly child support payments as set forth in the divorce decree or other order of the court and shall be payable for the term of involuntary unemployment, but in no event shall payments be made for a period of more than 13 weeks. The 13 weeks do not have to be consecutive; however, this is the maximum number of weeks payable on behalf of the obligated person for the total of all periods of involuntary unemployment. The obligated person must not be delinquent in paying child support payments at the time a claim is made to the insurer for child support payments to be made on behalf of the obligated person under this section. If the obligated person is delinquent in paying child support at the time a claim is made, the insurer shall pay all sums due on behalf of such obligated person to the Child Support Depository Trust Fund.

2. The clerk shall maintain a separate record of all insurance costs. In addition to the costs collected for the payment of the insurance premium, the clerk or the judge may collect an additional fee of \$4 to cover the administrative cost of collecting and transmitting the insurance premium.

3. For the purposes of this paragraph, the office of the clerk of court shall be an agency as defined in s. 287.012. The selection of the insurer shall be made pursuant to the provisions of chapter 287.

And the title is amended as follows:

On page 1, line 2, after the semicolon

insert: amending s. 28.101, F.S.; providing an additional charge when a party petitions for a dissolution of marriage; providing for the disposition of the charge for the payment of a policy of insurance to provide child support payments when the payor's employment has been involuntary terminated; providing a definition; directing the clerk to keep certain records;

Rep. Clarke moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Lee, the rules were waived and SB 1220, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 546

Yeas—105

The Chair	Betancourt	Diaz-Balart	Harper
Alexander	Bilirakis	Dockery	Harrell
Allen	Bowen	Farkas	Harrington
Andrews	Brummer	Fasano	Hart
Arza	Brutus	Fields	Henriquez
Atwater	Bucher	Flanagan	Hogan
Ausley	Bullard	Frankel	Holloway
Baker	Byrd	Gannon	Jennings
Ball	Cantens	Garcia	Johnson
Baxley	Carassas	Gibson	Jordan
Bean	Clarke	Goodlette	Joyner
Bennett	Crow	Gottlieb	Justice
Bense	Davis	Green	Kallinger
Benson	Detert	Greenstein	Kendrick
Berfield	Diaz de la Portilla	Haridopolos	Kilmer

Kosmas	Maygarden	Prieguez	Slosberg
Kottkamp	McGriff	Rich	Smith
Kravitz	Meadows	Richardson	Spratt
Kyle	Mealor	Ritter	Stansel
Lacasa	Melvin	Romeo	Trovillion
Lee	Miller	Ross	Wallace
Lerner	Murman	Rubio	Waters
Littlefield	Needelman	Russell	Weissman
Lynn	Negron	Ryan	Wishner
Machek	Paul	Seiler	
Mack	Peterman	Simmons	
Mayfield	Pickens	Siplin	

Nays—4

Barreiro	Gelber	Heyman	Sorensen
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Votes after roll call:

Yeas—Cusack, Gardiner, Wiles

Nays—Bendross-Mindingall, Sobel, Wilson

Yeas to Nays—Atwater, Betancourt, Brutus, Bucher, Bullard, Diaz de la Portilla, Flanagan, Frankel, Gannon, Garcia, Gottlieb, Greenstein, Holloway, Joyner, Justice, Lacasa, Lerner, Maygarden, Meadows, Melvin, Peterman, Prieguez, Rich, Ritter, Rubio, Slosberg, Weissman, Wishner

So the bill passed, as amended, and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has accepted the Conference Committee Report as an entirety and passed CS for SB 466 as amended by the Conference Committee Report.

Faye W. Blanton, Secretary

Conference Committee Report on CS for SB 466

On motion by Rep. Diaz-Balart, the House took up the following Report of the Conference Committee on CS for SB 466:

The Honorable John M. McKay
President of the Senate

May 3, 2001

The Honorable Tom Feeney
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 466, same being:

An act relating to public employment

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the House recede from House Amendment 1 to CS for SB 466.
2. That the Senate and the House of Representatives adopt Conference Committee Amendment 1 to CS for SB 466, attached hereto and by reference made a part of this report.
3. That the Senate and the House of Representatives pass CS for SB 466 as amended by said Conference Committee amendment.

Senator Garcia, Chairman	Representative Diaz-Balart, Vice Chairman
Senator Carlton	Representative Brummer
Senator Lawson	Representative Cantens
Senator Posey	Representative Kyle
Senator Smith	Representative Seiler
Managers on the part of the Senate	Managers on the part of the House of Representatives

SUMMARY OF CONFERENCE COMMITTEE ACTION

The Conference Committee Amendment for CS for SB 466 accepts the Senate position on retention of the current law standard of just cause as a disciplinary standard, and maintenance of the burden of proof on the public employer. It modifies the employee grievance process to reduce time frames for completion but limits the ability of a hearing tribunal to mitigate the actions of the agency head.

The Conference Committee Amendment eliminates the special master in labor impasse proceedings and changes the legislative disposition of labor and management disagreements.

The House recedes from its positions on changes to affirmative action and decertification of a police labor union. It further accedes to two Senate positions on developing federally approved tax shelters for accrued leave payments and alternative retirement plans for casual labor employees.

The Senate recedes from its position on management pay tied to performance and accedes to the House positions on the transfer of PERC to the Department of Management Services and on limitations in the use of casual labor (OPS).

The Senate accepts a House position on a smaller and less formalized advisory body for private sector management review of career service changes.

The Conference Committee Amendment coordinates the payment of employee incentives with policies established in the Appropriations Bill and permits year-end redemption of annual leave.

Alternative language is incorporated in the Conference Committee Amendment to specify the conditions under which the public employer will pay for work-related training in public universities and community colleges.

The Conference Committee Amendment provides for the transfer of some 16,000 management, supervisory, and confidential employees from the Career Service System to the Selected Exempt Service System and raises the formula from .5 percent to 1 percent of career service positions which may be placed in this Senior Management Service Class.

(Amendment Bar Code: 172259)

Conference Committee Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (h) of subsection (3) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(3)

(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. ~~To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter 110. The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as~~

well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.

2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.

b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.

Section 2. *Sections 110.108 and 110.109, Florida Statutes, are repealed.*

Section 3. Section 110.1091, Florida Statutes, is amended to read:

110.1091 Program for assisting state employees; confidentiality.—~~An~~ *Each* employing state agency may provide a program to assist any ~~of its~~ *state employees* ~~employee~~ who ~~have~~ *has* a behavioral or medical disorder, substance abuse problem, or emotional difficulty ~~that which~~ affects ~~their~~ *the* employee's job performance, through referral for counseling, therapy, or other professional treatment. Each employing state agency may designate community diagnostic and referral resources as necessary to implement the provisions of this section. Any communication between a state employee and personnel or service providers of a state employee assistance program relative to the employee's participation in the program shall be a confidential communication. Any routine monitoring of telephone calls by the state agency does not violate this provision. All records relative to that participation shall be confidential and exempt from the provisions of 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, 2003,

unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. *Section 110.1095, Florida Statutes, is repealed.*

Section 5. Effective July 1, 2001, section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(1) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice ~~demands demand~~ continuous educational and training opportunities, a state employee employees may be authorized to receive a voucher or grant, for matriculation fees, fundable tuition waivers on a space available basis or vouchers to attend work-related courses at public community colleges, public technical centers, or public universities. Student credit hours generated by state employee fee waivers shall be fundable credit hours. The department may implement the provisions of this section from funds appropriated to the department for this purpose. In the event insufficient funds are appropriated to the department, each state agency may supplement these funds to support the training and education needs of its employees from funds appropriated to the agency.

(2) The department, in conjunction with the agencies, shall request that public universities such institutions provide evening and weekend programs for state employees. When evening and weekend training and educational programs are not available, an employee employees may be authorized to take paid time off during his or her their regular working hours for training and career development, as provided in s. 110.105(1), if such training benefits the employer as determined by that employee's agency head.

(3) An employee Employees who exhibits exhibit superior aptitude and performance may be authorized by that employee's agency head to take a paid educational leave leaves of absence for up to 1 academic year at a time, for specific approved work-related education and training. That employee

(4) Such employees must enter into a contract contracts to return to state employment for a period of time equal to the length of the leave of absence or refund salary and benefits paid during his or her their educational leave leaves of absence.

(5) The Department of Management Services, in consultation with the agencies and, to the extent applicable, Florida's public postsecondary educational institutions, shall adopt rules to implement and administer this section.

(4)(6) As a precondition to approving an employee's training request, an agency or the judicial branch may require an employee to enter into an agreement that requires the employee to reimburse the agency or judicial branch for the registration fee or similar expense for any training or training series when the cost of the fee or similar expense exceeds \$1,000 if the employee voluntarily terminates employment or is discharged for cause from the agency or judicial branch within a specified period of time not to exceed exceeding 4 years after the conclusion of the training. This subsection does not apply to any training program that an agency or the judicial branch requires an the employee to attend. An agency or the judicial branch may pay the outstanding balance then due and owing on behalf of a state employee under this subsection in connection with recruitment and hiring of such state employee.

(5) The Department of Management Services, in consultation with the agencies and, to the extent applicable, with Florida's public community colleges, public technical centers, and public universities, shall adopt rules to administer this section.

Section 6. Subsection (1) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(1) Each employing agency shall designate those employee such of its positions that of state employment which, because of the special trust or responsibility or sensitive location of those such positions, require that persons occupying those such positions be subject to a security background check, including fingerprinting, as a condition of employment.

Section 7. Effective January 1, 2002, subsection (2) of section 110.113, Florida Statutes, is amended to read:

110.113 Pay periods for state officers and employees; salary payments by direct deposit.—

(2) As a condition of employment, a person appointed to a position in state government on or after July 1, 1996, is required to participate in the direct deposit program pursuant to s. 17.076. This subsection does not apply to persons who are in the employment of the state on July 1, 1996, and subsequently receive promotion appointments, transfers, or other changes in positions within the same personnel system after July 1, 1996. An employee may request an exemption from the provisions of this subsection when such employee can demonstrate a hardship or when such employee is in an other-personal-services position.

Section 8. Section 110.1245, Florida Statutes, is amended to read:

110.1245 Savings sharing program; bonus payments; other awards Meritorious service awards program.—

(1)(a) The Department of Management Services shall adopt rules that prescribe set policy, develop procedures, and promote a savings sharing program for an individual or group of employees who propose procedures or ideas that are adopted and that result in eliminating or reducing state expenditures, if such proposals are placed in effect and may be implemented under current statutory authority. of meritorious service awards, incentives, and recognition to employees who:

(a) Propose procedures or ideas which are adopted and which will result in increasing productivity, in eliminating or reducing state expenditures or improving operations, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or

(b) Each agency head shall recommend employees individually or by group to be awarded an amount of money, which amount shall be directly related to the cost savings realized. Each proposed award and amount of money must be approved by the Legislative Budgeting Commission. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of the state government.

(c) Each Every state agency, unless otherwise provided by law, may shall participate in the program. The Chief Justice shall have the authority to establish a savings sharing meritorious service awards program for employees of the judicial branch within the parameters established in this section. The component of the program specified in paragraph (a) shall apply to all employees within the Career Service System, the Selected Exempt Service System, and comparable employees within the judicial branch. The component of the program specified in paragraph (b) shall apply to all employees of the state. No award granted under the component of the program described in paragraph (a) shall exceed 10 percent of the first year's actual savings or actual revenue increase, up to \$25,000, plus applicable taxes, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the judicial branch or state agency affected by the award or from any specific appropriation therefor. No award granted under the component of the program described in paragraph (b) shall exceed \$1,000 plus applicable taxes per individual employee. The judicial branch or an agency may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. In addition, the judicial branch or a state agency may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award may not cost in excess of \$100 each plus applicable taxes.

(d)(2) The department and the judicial branch shall submit annually to the President of the Senate and the Speaker of the House of Representatives information that outlines each agency's level of participation in the *savings sharing meritorious service awards* program. The information shall ~~must~~ include, but is not limited to:

- 1.(a) The number of proposals made.
- 2.(b) The number of *dollars and* awards made to employees or groups for adopted proposals.
- 3.(c) The actual cost savings realized as a result of implementing employee or group proposals.
4. *The number of employees or groups recognized for superior accomplishments.*

~~(d) Total expenditures incurred by the agency for providing awards to employees for adopted proposals.~~

~~(e) The number of employees recognized for superior accomplishments.~~

~~(f) The number of employees recognized for satisfactory service to the state.~~

(2) *In June of each year, bonuses shall be paid to employees from funds authorized by the Legislature in an appropriation specifically for bonuses. Each agency shall develop a plan for awarding lump-sum bonuses, which plan shall be submitted no later than September 15 of each year and approved by the Office of Policy and Budget in the Executive Office of the Governor. Such plan shall include, at a minimum, but is not limited to:*

(a) *A statement that bonuses are subject to specific appropriation by the Legislature.*

(b) *Eligibility criteria as follows:*

1. *The employee must have been employed prior to July 1 of that fiscal year and have been continuously employed through the date of distribution.*

2. *The employee must not have been on leave without pay consecutively for more than 6 months during the fiscal year.*

3. *The employee must have had no sustained disciplinary action during the period beginning July 1 through the date the bonus checks are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action.*

4. *The employee must have demonstrated a commitment to the agency mission by reducing the burden on those served, continually improving the way business is conducted, producing results in the form of increased outputs, and working to improve processes.*

5. *The employee must have demonstrated initiative in work and have exceeded normal job expectations.*

6. *The employee must have modeled the way for others by displaying agency values of fairness, cooperation, respect, commitment, honesty, excellence, and teamwork.*

(c) *A periodic evaluation process of the employee's performance.*

(d) *Peer input to account for at least 40 percent of the bonus award determination.*

(e) *A division of the agency by work unit for purposes of peer input and bonus distribution.*

(f) *A limitation on bonus distributions equal to 35 percent of the agency's total authorized positions. This requirement may be waived by the Office of Policy and Budget in the Executive Office of the Governor upon a showing of exceptional circumstances.*

(3) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition

to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.

(4) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who have achieved increments of 5 years of satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of ~~\$100~~ \$50 each plus applicable taxes.

(5) Each department head is authorized to incur expenditures not to exceed \$100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to any appointed member of a state board or commission whose service to the state has been satisfactory, in appreciation and recognition of such service upon the expiration of such board or commission member's final term in such position.

Section 9. *Section 110.1246, Florida Statutes, is repealed.*

Section 10. Subsections (1) and (2) of section 110.129, Florida Statutes, are amended to read:

110.129 Services to political subdivisions.—

(1) Upon request, the department may enter into a formal ~~agreement~~ ~~agreements~~ with any municipality or political subdivision of the state to furnish technical assistance to improve the system or methods of personnel administration of ~~that such~~ municipality or political subdivision. The department shall provide such assistance within the limitations of available staff, funds, and other resources. All municipalities and political subdivisions of the state are authorized to enter into such agreements.

(2) Technical assistance ~~includes may include~~, but ~~is shall~~ not be limited to, *providing* technical advice, written reports, ~~or and~~ other information or materials ~~that and~~ may cover such subjects as management and personnel systems, central administrative and support services, employee training, and employee productivity.

Section 11. Effective July 1, 2001, subsection (2) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(2) An agency may employ any *qualified* individual in other-personal-services temporary employment for 1,040 hours within any 12-month period. An extension beyond a total of 1,040 hours within an agency for any individual requires a *recommendation by the approval* of the agency head ~~and approval by the Executive Office of the Governor or a designee~~. Approval of extensions shall be made in accordance with criteria established by the department. Each agency shall maintain employee information as specified by the department regarding each extension of other-personal-services temporary employment. The time limitation established by this subsection does not apply to board members, consultants, seasonal employees, institutional clients employed as part of their rehabilitation, ~~or~~ bona fide, degree-seeking students in accredited secondary or postsecondary educational programs, *employees hired to deal with an emergency situation that affects the public health, safety, or welfare, or employees hired for a project that is identified by a specific appropriation or time-limited grant.*

Section 12. Subsections (11), (18), and (19) of section 110.203, Florida Statutes, are amended to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(11) "Pay plan" means a formal description of the philosophy, methods, procedures, and salary ~~schedules~~ ~~schedule~~ for competitively compensating employees at market-based rates for work performed.

(18) "Promotion" means ~~the~~ changing of the classification of an employee to a class having a higher maximum salary; or the changing

of the classification of an employee to a class having the same or a lower maximum salary but a higher level of responsibility as determined by the Department of Management Services.

(19) "Demotion" means the changing of the classification of an employee to a class having a lower maximum salary; or the changing of the classification of an employee to a class having the same or a higher maximum salary but a lower level of responsibility as determined by the Department of Management Services.

Section 13. Effective July 1, 2001, subsections (22), (23), and (24) of section 110.203, Florida Statutes, are amended, and subsections (28), (29), and (30) are added to said section, to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(22) "Dismissal" means a disciplinary action taken by an agency pursuant to s. 110.227 against an employee resulting in termination of his or her employment for a violation of agency standards or for cause pursuant to s. 110.227.

(23) "Suspension" means a disciplinary action taken by an agency pursuant to s. 110.227 against an employee to temporarily relieve the employee of his or her duties and place him or her on leave without pay for violation of agency standards or for cause pursuant to s. 110.227.

(24) "Layoff" means termination of employment due to abolishment of positions necessitated by a shortage of funds or work, or a material change in the duties or organization of an agency, including the outsourcing or privatization of an activity or function previously performed by career service employees.

(28) "Firefighter" means a firefighter certified under chapter 633.

(29) "Law enforcement or correctional officer" means a law enforcement officer, special agent, correctional officer, correctional probation officer, or institutional security specialist required to be certified under chapter 943.

(30) "Professional health care provider" means registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468.

Section 14. Section 110.2035, Florida Statutes, is created to read:

110.2035 Classification and compensation program.—

(1) The Department of Management Services, in consultation with the Executive Office of the Governor and the Legislature, shall develop a classification and compensation program. This program shall be developed for use by all state agencies and shall address Career Service, Select Exempt Service, and Senior Management Service classes.

(2) The program shall consist of the following:

(a) A position classification system using no more than 50 occupational groups and up to a 6-class series structure for each occupation within an occupational group. Additional occupational groups may be established only by the Executive Office of the Governor after consultation with the Legislature.

(b) A pay plan that shall provide broad-based salary ranges for each occupational group.

(3) The following goals shall be considered in designing and implementing the program:

(a) The classification system must significantly reduce the need to reclassify positions due to work assignment and organizational changes by decreasing the number of classification changes required.

(b) The classification system must establish broad-based classes allowing flexibility in organizational structure and must reduce the levels of supervisory classes.

(c) The classification system and pay plan must emphasize pay administration and job-performance evaluation by management rather than emphasize use of the classification system to award salary increases.

(d) The pay administration system must contain provisions to allow managers the flexibility to move employees through the pay ranges and provide for salary increase additives and lump-sum bonuses.

(4) The classification system shall be structured such that each confidential, managerial, and supervisory employee shall be included in the Selected Exempt Service, in accordance with part V of this chapter.

(5) The Department of Management Services shall submit the proposed design of the classification and compensation program to the Executive Office of the Governor, the presiding officers of the Legislature, and the appropriate legislative fiscal and substantive standing committees on or before December 1, 2001.

(6) The department shall establish, by rule, guidelines with respect to, and shall delegate to the employing agencies, where appropriate, the authority to administer the following:

(a) Shift differentials.

(b) On-call fees.

(c) Hazardous-duty pay.

(d) Advanced appointment rates.

(e) Salary increase and decrease corrections.

(f) Lead-worker pay.

(g) Temporary special duties pay.

(h) Trainer-additive pay.

(i) Competitive area differentials.

(j) Coordinator pay.

(k) Critical market pay.

The employing agency must use such pay additives as are appropriate within the guidelines established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date. Any action by an employing agency to implement temporary special duties pay, competitive area differentials, or critical market pay may be implemented only after the department has reviewed and recommended such action; however, an employing agency may use temporary special duties pay for up to 3 months without prior review by the department. The department shall annually provide a summary report of the pay additives implemented pursuant to this section.

Section 15. Subsection (2) of section 110.205, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(a) All officers of the executive branch elected by popular vote and persons appointed to fill vacancies in such offices. Unless otherwise fixed by law, the salary and benefits for any such officer who serves as the head of a department shall be set by the department in accordance with the rules of the Senior Management Service.

(b) All members, officers, and employees of the legislative branch, except for the members, officers, and employees of the Florida Public Service Commission.

(c) All members, officers, and employees of the judicial branch.

(d) All officers and employees of the State University System and the Correctional Education Program within the Department of Corrections, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. The salaries for all instructional personnel and all administrative and noninstructional personnel of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the Department of Management Services.

(e) All members of state boards and commissions, however selected. Unless otherwise fixed by law, the salary and benefits for any full-time board or commission member shall be set by the department in accordance with the rules of the Senior Management Service.

(f) Judges, referees, and receivers.

(g) Patients or inmates in state institutions.

(h) All positions *that which* are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the employing agency for other-personal-services payments pursuant to s. 110.131.

(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(d)2., of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(j) The personal secretary to the incumbent of each position exempted in paragraph (a), and to each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, and deputy executive director of each department under paragraph (i). Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service.

(k) All officers and employees in the office of the Governor, including all employees at the Governor's mansion, and employees within each separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the salary and benefits of these positions shall be set by the department as follows:

1. The chief of staff, the assistant or deputy chief of staff, general counsel, Director of Legislative Affairs, chief inspector general, Director of Cabinet Affairs, Director of Press Relations, Director of Planning and Budgeting, director of administration, director of state-federal relations, Director of Appointments, Director of External Affairs, Deputy General Counsel, Governor's Liaison for Community Development, Chief of Staff for the Lieutenant Governor, Deputy Director of Planning and Budgeting, policy coordinators, and the director of each separate budget entity shall have their salaries and benefits established by the department in accordance with the rules of the Senior Management Service.

2. The salaries and benefits of positions not established in subparagraph a. shall be set by the employing agency. Salaries and benefits of employees whose professional training is comparable to that of licensed professionals under paragraph (q), or whose administrative responsibility is comparable to a bureau chief shall be set by the Selected Exempt Service. The department shall make the comparability determinations. Other employees shall have benefits set comparable to legislative staff, except leave shall be comparable to career service as if career service employees.

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

(m)1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

(n) The executive director, deputy executive director, general counsel, official reporters, and division directors within the Public Service Commission and the personal secretary and personal assistant to each member of the Public Service Commission. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy

executive directors, general counsel, Director of Administration, Director of Appeals, Director of Auditing and Financial Analysis, Director of Communications, Director of Consumer Affairs, Director of Electric and Gas, Director of Information Processing, Director of Legal Services, Director of Records and Reporting, Director of Research, and Director of Water and Sewer shall be set by the department in accordance with the rules of the Senior Management Service. The salary and benefits of the personal secretary and the personal assistant of each member of the commission and the official reporters shall be set by the department in accordance with the rules of the Selected Exempt Service, notwithstanding any salary limitations imposed by law for the official reporters.

(o)1. All military personnel of the Department of Military Affairs. Unless otherwise fixed by law, the salary and benefits for such military personnel shall be set by the Department of Military Affairs in accordance with the appropriate military pay schedule.

2. The military police chiefs, military police officers, firefighter trainers, firefighter-rescuers, and electronic security system technicians shall have salary and benefits the same as career service employees.

(p) The staff directors, assistant staff directors, district program managers, district program coordinators, district subdistrict administrators, district administrative services directors, district attorneys, and the Deputy Director of Central Operations Services of the Department of Children and Family Services and the county health department directors and county health department administrators of the Department of Health. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.

(q) All positions not otherwise exempt under this subsection which require as a prerequisite to employment: licensure as a physician pursuant to chapter 458, licensure as an osteopathic physician pursuant to chapter 459, licensure as a chiropractic physician pursuant to chapter 460, including those positions which are occupied by employees who are exempted from licensure pursuant to s. 409.352; licensure as an engineer pursuant to chapter 471, which are supervisory positions ~~except for such positions in the Department of Transportation~~; or for 12 calendar months, which require as a prerequisite to employment that the employee have received the degree of Bachelor of Laws or Juris Doctor from a law school accredited by the American Bar Association and thereafter membership in The Florida Bar, except for any attorney who serves as an administrative law judge pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(r) The statewide prosecutor in charge of the Office of Statewide Prosecution of the Department of Legal Affairs and all employees in the office. The Department of Legal Affairs shall set the salary of these positions.

(s) The executive director of each board or commission established within the Department of Business and Professional Regulation or the Department of Health. Unless otherwise fixed by law, the department shall establish the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(t) All officers and employees of the State Board of Administration. The State Board of Administration shall set the salaries and benefits of these positions.

(u) Positions ~~that~~ which are leased pursuant to a state employee lease agreement expressly authorized by the Legislature pursuant to s. 110.191.

(v) *Effective July 1, 2001, managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign,*

reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors. Excluded are employees also designated as special risk or special risk administrative support, attorneys who serve as administrative law judges pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Additionally, registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468 are excluded, unless otherwise collectively bargained.

(7) *CARRYING LEAVE FORWARD.—If an employee is transferred or otherwise moves from the Career Service System into the Selected Exempt Service, all of the employee's unused annual leave, unused sick leave, and unused compensatory leave shall carry forward with the employee.*

Section 16. *Effective June 30, 2002, sections 110.207 and 110.209, Florida Statutes, are repealed.*

Section 17. Section 110.211, Florida Statutes, is amended to read:

110.211 Recruitment.—

(1) Recruiting shall be planned and carried out in a manner that assures open competition based upon current and projected employing agency needs, taking into consideration the number and types of positions to be filled and the labor market conditions, with special emphasis placed on recruiting efforts to attract minorities, women, or other groups that are underrepresented in the workforce of the employing agency.

(2) Recruiting efforts to fill current or projected vacancies shall be carried out in the sound discretion of the agency head ~~the responsibility of the employing agency.~~

(3) ~~Recruiting shall seek efficiency in advertising and may be assisted by a contracted vendor responsible for maintenance of the personnel data. The department shall provide for executive-level recruitment and a recruitment enhancement program designed to encourage individuals to seek employment with state government and to promote better public understanding of the state as an employer.~~

(4) ~~An application for a publicly announced vacancy must be made directly to the employing agency.~~

(4)(5) All recruitment literature ~~printed after July 1, 1979~~, involving state position vacancies shall contain the phrase "An Equal Opportunity Employer/Affirmative Action Employer."

(6) ~~The department shall develop model recruitment rules which may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt recruitment rules that are inconsistent with the model rules must consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 18. Section 110.213, Florida Statutes, is amended to read:

110.213 Selection.—

(1) ~~The department shall have the responsibility for determining guidelines for selection procedures to be utilized by the employing agencies.~~

(2) ~~Any selection procedure utilized in state employment shall be designed to provide maximum validity, reliability, and objectivity; shall be based on adequate job analysis to ensure job relatedness; and shall measure the relative ability, knowledge, and skill needed for entry to a job.~~

(1)(3) Selection for appointment from among the most qualified candidates available shall be the sole responsibility of the employing agency. Effective July 1, 2001, all new employees must successfully complete at least a 1-year probationary period before attainment of permanent status.

(2) Selection shall reflect efficiency and simplicity in hiring procedures. The agency head or his or her designee shall be required to document the qualifications of the selected candidate to ensure that the candidate meets the minimum qualifications and possesses the requisite knowledge, skills, and abilities for the position. No other documentation or justification shall be required prior to selecting a candidate for a position.

~~(4) The department shall develop model selection rules that may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt selection rules that are inconsistent with the model rules shall consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 19. Effective July 1, 2001, subsection (6) is added to section 110.219, Florida Statutes, and, effective January 1, 2002, subsection (7) is added to said section, to read:

110.219 Attendance and leave; general policies.—

(6) The leave benefits provided to Senior Management Service employees shall not exceed those provided to employees in the Select Exempt Service.

(7) Each December, a permanent career service employee shall be entitled, subject to available funds, to a payout of up to 24 hours of unused annual leave as follows:

(a) A permanent career service employee must have an annual leave balance of no less than 24 hours, after the payout, in order to qualify for this benefit.

(b) No permanent career service employee shall receive a payout of greater than 240 hours over the course of the employee's career with the state, including any leave received at the time of separation.

Section 20. Section 110.224, Florida Statutes, is amended to read:

110.224 ~~Public employee Review and performance evaluation planning system.—A public employee review and performance evaluation planning system shall be established as a basis for evaluating and improving the performance of the state's workforce, to provide documentation in support of recommendations for salary increases, promotions, demotions, reassignments, or dismissals; to inform employees of strong and weak points in the employee's performance, to identify improvements expected, and current and future training needs, and to award lump-sum bonuses in accordance with s. 110.1245(2); and to assist in determining the order of layoff and reemployment.~~

(1) Upon original appointment, promotion, demotion, or reassignment, a job description of the position assigned each career service employee must be made available to the career service employee given a statement of the work expectations and performance standards applicable to the position. The job description may be made available in an electronic format. ~~statement may be included in the position description or in a separate document. An employee will not be required to meet work expectations or performance standards that have not been furnished in writing to the employee.~~

(2) Each employee must have a ~~employee's performance evaluation must be reviewed~~ at least annually, and the employee must receive an oral and written assessment of his or her performance evaluation. The performance evaluation assessment may include a plan of corrective action for improvement of the employee's performance based on the work expectations or performance standards applicable to the position as determined by the agency head.

(3) The department may adopt rules to administer the ~~public employee review and performance evaluation planning~~ system which establish procedures for performance evaluation, ~~procedures to be followed in case of failure to meet performance standards~~, review periods, and forms.

Section 21. Subsections (2) and (3) of section 110.227, Florida Statutes, are amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service. *Except with regard to law enforcement or correctional officers, firefighters, or professional health care providers, rules regarding layoff procedures shall not include any system whereby a career service employee with greater seniority has the option of selecting a different position not being eliminated, but either vacant or already occupied by an employee of less seniority, and taking that position, commonly referred to as "bumping." For the implementation of layoffs as defined in s. 110.203, the department shall develop rules requiring that consideration be given to comparative merit, demonstrated skills, and the employee's experience.* Such rules shall be approved by the Administration Commission prior to their adoption by the department.

(3)(a) *With regard to law enforcement or correctional officers, firefighters, or professional health care providers, when a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of Management Services. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.*

(b) *With regard to law enforcement or correctional officers, firefighters, or professional health care providers, layoff procedures shall be developed to establish the relative merit and fitness of employees and shall include a formula for uniform application among all employees in the competitive area, taking into consideration the type of appointment, the length of service, and the evaluations of the employee's performance within the last 5 years of employment.*

Section 22. Effective July 1, 2001, subsections (1), (4), (5), (6), and (7) of section 110.227, Florida Statutes, are amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(1) Any employee who has permanent status in the career service may ~~only~~ be suspended or dismissed ~~only~~ for cause. Cause shall include, but is not be limited to, *poor performance, negligence, inefficiency or inability to perform assigned duties, insubordination, willful violation of the provisions of law or agency rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime involving moral turpitude.* The ~~Each~~ agency head shall ensure that all employees of the agency ~~have reasonable access to the agency's personnel manual are completely familiar with the agency's established procedures on disciplinary actions and grievances.~~

(4) *A grievance process shall be available to permanent career service employees. A grievance is defined as the dissatisfaction that occurs when an employee believes that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation. Claims of discrimination and sexual harassment or claims related to suspensions, reductions in pay, demotions, and dismissals are not subject to the career service grievance process. The following procedures shall apply to any grievance filed pursuant to this subsection:*

(a) *Step One.—The employee may submit a signed, written grievance on a form provided by the agency to his or her supervisor within 7 calendar days following the occurrence of the event giving rise to the grievance. The supervisor must meet with the employee to discuss the grievance within 5 business days following receipt of the grievance.*

(b) *Step Two.*—If the employee is dissatisfied with the response of his or her supervisor, the employee may submit the written grievance to the agency head or his or her designee within 2 business days following the meeting with his or her supervisor. The agency head or his or her designee must meet with the employee to discuss the grievance within 5 business days following receipt of the grievance. The agency head or his or her designee must respond in writing to the employee within 5 business days following the meeting. The written decision of the agency head shall be the final authority for all grievances filed pursuant to this subsection. Such grievances may not be appealed beyond Step Two. ~~Any permanent career service employee subject to reduction in pay, transfer, layoff, or demotion from a class in which he or she has permanent status in the Career Service System shall be notified in writing by the agency prior to its taking such action. The notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Such actions shall be appealable to the Public Employees Relations Commission, pursuant to s. 447.208 and rules adopted by the commission.~~

(5)(a) A ~~any~~ permanent career service employee who is subject to a suspension, *reduction in pay, demotion, or dismissal* shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to such notice, and prior to the date the action is to be taken, the affected employee shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. *Such actions shall be appealable to the Public Employees Relations Commission as provided in subsection (6). Written notice of any such appeal shall be filed by the employee with the commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, demotion, or dismissal is received by the employee. An employee who is suspended or dismissed shall be entitled to a hearing before the Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the commission.*

(b) In extraordinary situations such as when the retention of a permanent career service employee would result in damage to state property, would be detrimental to the best interest of the state, or would result in injury to the employee, a fellow employee, or some other person, such employee may be suspended or dismissed without 10 days' prior notice, provided that written or oral notice of such action, evidence of the reasons therefor, and an opportunity to rebut the charges are furnished to the employee prior to such dismissal or suspension. Such notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Agency compliance with the foregoing procedure requiring notice, evidence, and an opportunity for rebuttal must be substantiated. Any employee who is suspended or dismissed pursuant to the provisions of this paragraph *may appeal to shall be entitled to a hearing before the Public Employees Relations Commission as provided in subsection (6). Written notice of any such appeal shall be filed with the commission by the employee within 14 days after the date on which the notice of suspension, reduction in pay, demotion, or dismissal is received by the employee or its designated agent pursuant to s. 447.208, except that such hearing shall be held no more than 20 days after the filing of the notice of appeal by the employee.*

(6) *The following procedures shall apply to appeals filed pursuant to subsection (5), with the Public Employees Relations Commission, hereinafter referred to as the commission:*

(a) *The commission must conduct a hearing within 30 calendar days following the filing of a notice of appeal. No extension of time for the hearing may exceed 30 calendar days, absent exceptional circumstances, and no extension of time may be granted without the consent of all parties. Discovery may be granted only upon the 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. Except where inconsistent with the requirements of this subsection, the provisions of s. 447.503(4) and (5) and chapter 120 apply to proceedings held pursuant to this subsection.*

(b) *A person may represent himself or herself in proceedings before the commission or may be represented by legal counsel or by any individual who qualifies as a representative pursuant to rules adopted by the commission.*

(c) *If the commission finds that cause did not exist for the agency action, the commission shall reverse the decision of the agency head and the employee shall be reinstated with or without back pay. If the commission finds that cause existed for the agency action, the commission shall affirm the decision of the agency head. The commission may not reduce the penalty imposed by the agency head, except in the case of law enforcement or correctional officers, firefighters, and professional health care providers, if the commission makes specific written findings of mitigation.*

(d) *A recommended order shall be issued by the hearing officer within 30 days following the hearing. Exceptions to the recommended order shall be filed within 5 business days after the recommended order is issued. The final order shall be filed by the commission no later than 30 calendar days after the hearing or after the filing of exceptions or oral arguments if granted.*

(e) *Final orders issued by the commission pursuant to paragraph (d) shall be reviewable as provided in s. 447.504. A grievance process shall be available to career service employees. A grievance is defined as the dissatisfaction that occurs when an employee thinks or feels that any condition affecting the employee is unjust, inequitable, or a hinderance to effective operation, or creates a problem, except that an employee shall not have the right to file a grievance against performance evaluations unless it is alleged that the evaluation is based on factors other than the employee's performance. Claims of discrimination and sexual harassment, suspensions, reductions in pay, transfers, layoffs, demotions, and dismissals are not subject to the career service grievance process.*

(7) *Other than for law enforcement or correctional officers, firefighters, and professional health care providers, each suspension, dismissal, demotion, or reduction in pay must be reviewed without consideration of any other case or set of facts. The department shall adopt rules for administration of the grievance process for career service employees. Such rules shall establish agency grievance procedures, eligibility, filing deadlines, forms, and review and evaluation governing the grievance process.*

Section 23. Paragraph (a) of subsection (4) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, when authorized by his or her agency head and approved by the department of ~~Management Services~~ as involving no interest which conflicts or activity which interferes with his or her state employment, an employee in the career service may be a candidate for or hold local public office. The department of ~~Management Services~~ shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

Section 24. Subsection (1) of section 110.235, Florida Statutes, is amended to read:

110.235 Training.—

(1) ~~It is the intent of the Legislature that~~ State agencies shall implement training programs that encompass modern management principles, and that provide the framework to develop human resources

through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.

Section 25. Section 110.401, Florida Statutes, is amended to read:

110.401 Declaration of policy.—~~It is the intent of~~ This part *creates to create* a uniform system for attracting, retaining, and developing highly competent senior-level managers at the highest executive-management-level agency positions in order for the highly complex programs and agencies of state government to function effectively, efficiently, and productively. The Legislature recognizes that senior-level management is an established profession and that the public interest is best served by developing and refining the management skills of its Senior Management Service employees. *Accordingly To this end*, training and management-development programs are regarded as a major administrative function within agencies.

Section 26. Subsections (3), (4), and (5) of section 110.403, Florida Statutes, are amended to read:

110.403 Powers and duties of the department of ~~Management Services~~.—

(3) The department of ~~Management Services~~ shall have the following additional responsibilities:

(a) To establish and administer a professional development program *that which* shall provide for the systematic development of managerial, executive, or administrative skills. *Such a program shall include the following topics:*

1. *Improving the performance of individual employees. This topic provides skills in understanding and motivating individual performance, providing effective and timely evaluations of employees, and making recommendations on performance incentives and disincentives.*

2. *Improving the performance of groups of employees. This topic provides skills in creating and maintaining productive workgroups and making recommendations on performance incentives and disincentives.*

3. *Relating the efforts of employees to the goals of the organization. This topic provides skills in linking the work of individual employees to the goals of the agency program, service, or activity.*

4. *Strategic planning. This topic provides the skills for defining agency business processes, measuring performance of such processes, and reengineering such processes for improved efficiency and effectiveness.*

5. *Team leadership. This topic provides skills in effective group processes for organizational motivation and productivity based on proven business and military applications that emphasize respect for and courtesy to the public.*

(b) To promote public understanding of the purposes, policies, and programs of the Senior Management Service.

(c) To approve contracts of employing agencies with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the department of ~~Management Services~~ sets salaries in accordance with the classification and pay plan. Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search. The department of ~~Management Services~~ shall establish, by rule, the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. *These* Such rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. *These* The Department of ~~Management Services~~ shall *make the rules shall also required pursuant to this paragraph in such a manner as* to comply with state and federal laws and regulations governing equal opportunity employment.

(4) All policies and procedures adopted by the department of ~~Management Services~~ regarding the Senior Management Service shall

comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(5) The department of ~~Management Services~~ shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 27. Effective July 1, 2001, paragraph (a) of subsection (1) of section 110.403, Florida Statutes, is amended to read:

110.403 Powers and duties of the Department of Management Services.—

(1) In order to implement the purposes of this part, the Department of Management Services, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed 1.0 ~~0.5~~ percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

Section 28. Section 110.601, Florida Statutes, is amended to read:

110.601 Declaration of policy.—~~It is the purpose of~~ This part *creates to create* a system of personnel management *the purpose of which is to deliver which ensures to the state the delivery of* high-quality performance by those employees in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the workforce is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected Exempt Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.

Section 29. Effective July 1, 2001, section 110.602, Florida Statutes, is amended to read:

110.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2) and (5) and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. ~~In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.~~

Section 30. Subsection (1) of section 110.605, Florida Statutes, is amended to read:

110.605 Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part.

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

~~(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.~~

~~(b)(e)~~ The department shall develop a uniform performance appraisal system for employees and positions in the Selected Exempt Service covered by a collective bargaining agreement. Each employing agency shall develop a performance appraisal system for all other employees and positions in the Selected Exempt System. Such agency system shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

~~(c)(d)~~ *The employing agency must maintain, on a current basis, all records and reports required by applicable rules.* The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.

~~(d)(e)~~ The department shall develop a program of affirmative and positive actions that will ensure full utilization of women and minorities in Selected Exempt Service positions.

Section 31. Paragraph (c) of subsection (2) of section 110.606, Florida Statutes, is amended to read:

110.606 Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, as needed, ~~the data shall include:~~

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 32. Subsection (2) of section 288.708, Florida Statutes, is amended to read:

288.708 Executive director; employees.—

(2) The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 110, and the executive director shall be subject to the provisions of part ~~III~~ ~~IV~~ of chapter 110.

Section 33. Paragraph (a) of subsection (3) of section 440.4416, Florida Statutes, is amended to read:

440.4416 Workers' Compensation Oversight Board.—

(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 ~~V~~ ~~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.

Section 34. Notwithstanding section 216.351, Florida Statutes, paragraph (c) of subsection (1) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(1)

(c)1. The Executive Office of the Governor, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency authority to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity within the same division, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs. The additions or deletions 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.

2. The Chief Justice of the Supreme Court shall have the authority to establish procedures for the judicial branch to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity, and to add and delete authorized positions within the same budget entity, when such changes are consistent with legislative policy and intent and do not conflict with spending policies specified in the General Appropriations Act.

3.a. *A state agency may be eligible to retain salary dollars for authorized positions eliminated after July 1, 2001. The agency must certify the eliminated positions to the Legislative Budgeting Commission.*

b. *The Legislative Budgeting Commission shall authorize the agency to retain 20 percent of the salary dollars associated with the eliminated positions and may authorize retention of a greater percentage. All such salary dollars shall be used for permanent salary increases.*

Section 35. Section 447.201, Florida Statutes, is amended to read:

447.201 Statement of policy.—~~It is declared that~~ The public policy of ~~this~~ the state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. I of the State Constitution, with respect to public employees; to promote harmonious and cooperative relationships between government and its employees, both collectively and individually; and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. ~~It is the intent of the Legislature that~~ Nothing herein shall be construed either to encourage or discourage organization of public employees. ~~This state's public policy is~~ ~~These policies are~~ best effectuated by:

(1) Granting to public employees the right of organization and representation;

(2) Requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees;

(3) Creating a Public Employees Relations Commission to assist in resolving disputes between public employees and public employers; and

(4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.

Section 36. Effective July 1, 2001, 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 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 37. Subsection (8) of section 447.207, Florida Statutes, is amended to read:

447.207 Commission; powers and duties.—

(8) ~~Pursuant to s. 447.208~~, The commission or its designated agent shall hear appeals arising out of any suspension, reduction in pay, ~~transfer, layoff~~, demotion, or dismissal of any permanent employee in the State Career Service System *in the manner provided in s. 110.227*. ~~Written notice of any such appeal shall be filed with the commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, transfer, layoff, demotion, or dismissal is received by the employee.~~

Section 38. 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. 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.

(2) This section does not prohibit any person from representing himself or herself in proceedings before the commission or from being represented by legal counsel or by any individual who qualifies as a

representative pursuant to rules promulgated and adopted by the commission.

~~(2) With respect to 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.~~

~~(3)(e)~~ Any order of the commission issued *under this section* 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 ~~cases~~ *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 39. Paragraph (a) of subsection (5) of section 447.507, Florida Statutes, is amended to read:

447.507 Violation of strike prohibition; penalties.—

(5) If the commission, after a hearing on notice conducted according to rules promulgated by the commission, determines that an employee has violated s. 447.505, it may order the termination of his or her employment by the public employer. Notwithstanding any other provision of law, a person knowingly violating the provision of said section may, subsequent to such violation, be appointed, reappointed, employed, or reemployed as a public employee, but only upon the following conditions:

(a) Such person shall be on probation for a period of ~~18~~ 6 months following his or her appointment, reappointment, employment, or reemployment, during which period he or she shall serve without *permanent status and at the pleasure of the agency head tenure*. ~~During this period, the person may be discharged only upon a showing of just cause.~~

Section 40. Subsection (13) is added to section 112.215, Florida Statutes, to read:

112.215 Government employees; deferred compensation program.—

(13) When permitted by federal law, the plan administrator may provide for a pretax trustee-to-trustee transfer of amounts in a participant's deferred compensation account for the purchase of prior service credit in a public sector retirement system.

Section 41. Effective July 1, 2001, 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 one transfer, as defined in s. 20.06(1), Florida Statutes, to the Department of Management Services. The independence of the commission in matters relating to the disposition of all cases, including Career Service appeals, shall be preserved.

Section 42. The Department of Management Services shall adopt rules as necessary to effectuate the provisions of chapter 110, Florida Statutes, as amended by this act, and in accordance with the authority granted to the department in chapter 110, Florida Statutes. All existing rules relating to chapter 110, Florida Statutes, are statutorily repealed January 1, 2002, unless otherwise readopted.

Section 43. Section 110.1315, Florida Statutes, is created to read:

110.1315 *Alternative benefits; other-personal-services employees.—* Upon review and recommendation of the department and approval of the Governor, the department may contract for the implementation of an alternative retirement income security program for eligible temporary and seasonal employees of the state who are compensated from appropriations for other personal services. The contract may provide for a private vendor or vendors to administer the program under a defined-contribution plan under ss. 401(a) and 403(b) or 457 of the Internal Revenue Code, and the program must provide retirement benefits as required under s. 3121(b)(7)(F) of the Internal Revenue Code. The department may develop a request for proposals and solicit qualified vendors to compete for the award of the contract. A vendor shall be selected on the basis of the plan that best serves the interest of the participating employees and the state. The proposal must comply with all necessary federal and state laws and rules.

Section 44. Subsections (1) and (2) of section 447.403, Florida Statutes, are amended, and subsection (5) is added to said section, to read:

447.403 Resolution of impasses.—

(1) If, after a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, a dispute exists between a public employer and a bargaining agent, an impasse shall be deemed to have occurred when one of the parties so declares in writing to the other party and to the commission. When an impasse occurs, the public employer or the bargaining agent, or both parties acting jointly, may appoint, or secure the appointment of, a mediator to assist in the resolution of the impasse. If the Governor is the public employer no mediator shall be appointed.

(2)(a) If no mediator is appointed, or upon the request of either party, the commission shall appoint, and submit all unresolved issues to, a special master acceptable to both parties. If the parties are unable to agree on the appointment of a special master, the commission shall appoint, in its discretion, a qualified special master. However, if the parties agree in writing to waive the appointment of a special master, the parties may proceed directly to resolution of the impasse by the legislative body pursuant to paragraph (4)(d). Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.

(b) If the Governor is the public employer, no special master shall be appointed. The parties may proceed directly to the Legislature for resolution of the impasse pursuant to paragraph (4)(d).

(5)(a) Within 5 days after the beginning of the impasse period in accordance with s. 216.163(6), each party shall notify the President of the Senate and the Speaker of the House of Representatives as to all unresolved issues. Upon receipt of the notification, the presiding officers

shall appoint a joint select committee to review the position of the parties and render a recommended resolution of all issues remaining at impasse. The recommended resolution shall be returned by the joint select committee to the presiding officers not later than 10 days prior to the date upon which the legislative session is scheduled to commence. During the legislative session, the Legislature shall take action in accordance with this section.

(b) Any actions taken by the Legislature shall bind the parties in accordance with paragraph (4)(c).

Section 45. Notwithstanding section 216.351, Florida Statutes, subsection (6) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(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 46. *Alternative benefits; tax-sheltered annual leave and sick leave payments and special compensation payments.—*

(1) The Department of Management Services has authority to adopt tax-sheltered plans under s. 401(a) of the Internal Revenue Code for state employees who are eligible for payment for accumulated leave. The department, upon adoption of the plans, shall contract for a private vendor or vendors to administer the plans. These plans shall be limited to state employees who are over age 55 and who are: eligible for accumulated leave and special compensation payments and separating from employment with 10 years of service in accordance with the Internal Revenue Code, or who are participating in the Deferred Retirement Option Program on or after July 1, 2001. The plans must provide benefits in a manner that minimizes the tax liability of the state and participants. The plans must be funded by employer contributions of payments for accumulated leave or special compensation payments, or both, as specified by the department. The plans must have received all necessary federal and state approval as required by law, must not adversely impact the qualified status of the Florida Retirement System defined benefit or defined contribution plans or the pretax benefits program, and must comply with the provisions of s. 112.65, Florida Statutes. Adoption of any plan is contingent on: the department receiving appropriate favorable rulings from the Internal Revenue Service; the department negotiating under the provisions of chapter 447, Florida Statutes, where applicable; and the Comptroller making appropriate changes to the state payroll system. The department's request for proposals by vendors for such plans may require that the vendors provide market-risk or volatility ratings from recognized rating agencies for each of their investment products. The department shall provide for a system of continuous quality assurance oversight to ensure that the program objectives are achieved and that the program is prudently managed.

(2) Within 30 days after termination of employment, an employee may elect to withdraw the moneys without penalty by the plan administrator. If any employee is adversely affected by payment of an excise tax or any Internal Revenue Service penalty by electing to withdraw funds within 30 days, the plan shall include a provision which will provide the employee with no less cash than if the employee had not participated in the plan.

(3) These contracts may be used by any other pay plans or personnel systems in the executive, legislative, or judicial branches of government upon approval of the appropriate administrative authority.

(4) Notwithstanding the terminal pay provisions of s. 110.122, Florida Statutes, the department may contract for a tax-sheltered plan for leave and special compensation pay for employees terminating over

age 55 with 10 years of service and for employees participating in the Deferred Retirement Option Program on or after July 1, 2001, and who are over age 55. The frequency of payments into the plan shall be determined by the department or as provided in the General Appropriations Act. This plan or plans shall provide the greatest tax benefits to the employees and maximize the savings to the state.

(5) The department shall determine by rule the design of the plans and the eligibility of participants.

(6) Nothing in this section shall be construed to remove plan participants from the scope of s. 110.122(5), Florida Statutes.

Section 47. Career Service Advisory Group.—

(1) There is created the Career Service Advisory Group. The advisory group shall be composed of the following members, each of whom shall have knowledge of, or experience with, human resource management operations:

(a) Two members selected by the Governor.

(b) One member selected by the President of the Senate.

(c) One member selected by the Speaker of the House of Representatives.

The selections provided for by this subsection shall be made on or before July 1, 2001. The group shall expire on January 1, 2002.

(2) The advisory group members shall be human resource officials of Florida-domiciled corporations with a salaried workforce of at least 25,000 companywide.

(3) The group shall be considered advisory and shall provide advice to the Department of Management Services and the Executive Office of the Governor on issues presented to it related to the implementation of this act. The Department of Management Services shall provide to the board copies of any rules proposed to implement this act.

Section 48. There is hereby appropriated for fiscal year 2001-2002 to Administered Funds the lump sum of \$7.4 million from the General Revenue Fund and \$14 million from trust funds to fund the benefits to employees transferred from Career Service to Selected Exempt Service pursuant to the provisions of this act. This appropriation to Administered Funds shall be processed in the same manner as if it had been made in the General Appropriations Act.

Section 49. If any provision of this act or its application to any particular person or circumstance is held invalid, that provision or its application shall be deemed severable and shall not affect the validity of other provisions or applications of this act.

Section 50. 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 public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108 and 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; revising provisions relating to programs to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; revising provisions relating to education and training opportunities for state employees; including courses at public community colleges and technical centers; providing for funding; amending s. 110.1127, F.S., relating to security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious

service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; revising the amount of certain awards; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S., relating to technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of "layoff"; defining "firefighter," "law enforcement or correctional officer," and "professional health care provider"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules establishing guidelines relating to specified pay additives and providing duties of agencies with respect thereto; amending s. 110.205, F.S.; revising the positions that are exempt from the Career Service System and providing additional exempt positions; providing for carrying leave forward; repealing ss. 110.207 and 110.209, F.S., which provide for establishment of uniform classification and pay plans; amending s. 110.211, F.S.; revising requirements relating to recruitment and responsibility therefor and authorizing assistance by contracted vendors; removing a requirement for model recruitment rules; amending s. 110.213, F.S.; revising requirements relating to selection and responsibility therefor; requiring a probationary period for new employees; removing a requirement for model selection rules; amending s. 110.219, F.S.; providing requirements for leave benefits for Senior Management Service employees; providing for a year-end payout of annual leave to specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting "bumping"; providing certain exceptions; providing requirements relating to implementation of layoffs and revising application of existing provisions prescribing layoff procedures; revising the definition of cause, for which a career service employee may be suspended or dismissed; revising certain agency head duties; providing procedures for the grievance process and specifying actions subject to such process; revising notice requirements; providing procedures for appeals to the Public Employees Relations Commission and specifying actions subject to such appeal; providing requirements with respect to certain review of suspensions, dismissals, demotions, or reductions in pay; amending s. 110.233, F.S.; conforming language; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S., relating to a declaration of policy; amending s. 110.403, F.S.; providing requirements for the professional development program for the Senior Management Service; increasing the number of authorized positions within the Senior Management Service; amending s. 110.601, F.S., relating to a declaration of policy; amending s. 110.602, F.S.; eliminating a limitation on the number of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S., relating to maintenance of records and reports; amending s. 110.606, F.S.; correcting language; amending ss. 288.708 and 440.4416, F.S.; correcting references and conforming language; amending s. 216.262, F.S.; providing that the Legislative Budgeting Commission may authorize a state agency to retain moneys associated with eliminated positions under certain circumstances and providing for use of such moneys; amending s. 447.201, F.S., relating to public policy with respect to public employees; amending s. 447.205, F.S.; conforming language; amending s. 447.207, F.S.; revising authority of the Public Employees Relations Commission to hear certain appeals; amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees who have violated the strike prohibition; amending s. 112.215, F.S.; authorizing certain pretax trustee-to-trustee transfer of deferred compensation accounts; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring powers, duties, functions, rules,

records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the department to adopt rules and providing for repeal of certain rules; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement income security program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; requiring notice to the Legislature when an impasse exists; providing for appointment of a joint select committee to recommend resolution; providing for legislative action; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; removing a requirement that the Governor furnish certain documentation to legislative appropriations committees; authorizing the department to develop tax-sheltered plans for state employees eligible for payment for accumulated leave; providing requirements with respect thereto; authorizing the department to contract for a tax-sheltered plan for leave and special compensation pay for certain employees; creating a Career Service Advisory Group; providing for appointment and qualifications of members; providing its duties; providing for expiration; providing an appropriation; providing for severability; providing effective dates.

On motion by Rep. Diaz-Balart, the Report of the Conference Committee on CS for SB 466 was accepted in its entirety. The vote was:

Session Vote Sequence: 547

Yeas—72

The Chair	Bowen	Goodlette	Maygarden
Alexander	Brummer	Green	Mealor
Allen	Byrd	Haridopolos	Melvin
Andrews	Cantens	Harrell	Miller
Argenziano	Carassas	Harrington	Murman
Arza	Clarke	Hart	Negron
Attkisson	Crow	Hogan	Paul
Atwater	Davis	Johnson	Pickens
Baker	Detert	Jordan	Prieguez
Ball	Diaz de la Portilla	Kallinger	Ross
Barreiro	Diaz-Balart	Kottkamp	Rubio
Baxley	Dockery	Kravitz	Russell
Bean	Farkas	Kyle	Simmons
Bennett	Fasano	Lacasa	Sorensen
Bense	Flanagan	Littlefield	Spratt
Benson	Garcia	Lynn	Trovillion
Berfield	Gardiner	Mack	Wallace
Bilirakis	Gibson	Mahon	Waters

Nays—45

Ausley	Greenstein	Lerner	Siplin
Bendross-Mindingall	Harper	Machek	Slosberg
Betancourt	Henriquez	McGriff	Smith
Brutus	Heyman	Meadows	Sobel
Bucher	Holloway	Needelman	Stansel
Bullard	Jennings	Peterman	Weissman
Cusack	Joyner	Rich	Wiles
Fields	Justice	Richardson	Wilson
Frankel	Kendrick	Ritter	Wishner
Gannon	Kilmer	Romeo	
Gelber	Kosmas	Ryan	
Gottlieb	Lee	Seiler	

Votes after roll call:

Nays to Yeas—Seiler

The question recurred on the passage of CS for SB 466. The vote was:

Session Vote Sequence: 548

Yeas—73

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Baker	Crow	Hart	Murman
Ball	Davis	Hogan	Negron
Barreiro	Detert	Holloway	Paul
Baxley	Diaz de la Portilla	Johnson	Pickens
Bean	Diaz-Balart	Kallinger	Prieguez
Bendross-Mindingall	Dockery	Kottkamp	Ross
Bennett	Farkas	Kravitz	Rubio
Bense	Fasano	Kyle	Russell
Benson	Flanagan	Lacasa	Simmons
Berfield	Garcia	Littlefield	Sorensen
Bilirakis	Gardiner	Lynn	Spratt
Bowen	Gibson	Mack	Trovillion
Brummer	Goodlette	Mahon	Wallace
Byrd	Green	Maygarden	Waters
Cantens	Haridopolos	Mealor	
Carassas	Harrell	Melvin	
Clarke	Harrington	Miller	

Nays—43

Ausley	Greenstein	Lerner	Seiler
Betancourt	Harper	Machek	Siplin
Brutus	Henriquez	McGriff	Slosberg
Bucher	Heyman	Meadows	Smith
Bullard	Jennings	Needelman	Sobel
Cusack	Joyner	Peterman	Stansel
Fields	Justice	Rich	Weissman
Frankel	Kendrick	Richardson	Wiles
Gannon	Kilmer	Ritter	Wilson
Gelber	Kosmas	Romeo	Wishner
Gottlieb	Lee	Ryan	

Votes after roll call:

Yeas to Nays—Bendross-Mindingall

So the bill passed, as amended by the Conference Committee Report. The action, together with CS for SB 466 and the Conference Committee Report thereon, was immediately certified to the Senate.

On motion by Rep. Byrd, the House moved to the consideration of HB 1861.

REPRESENTATIVE BALL IN THE CHAIR

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1861, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1861—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

Senate Amendment 1—On page 1, line 21, delete "400.430"

and insert: 400.4298

On motion by Rep. Green, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 1861. The vote was:

Session Vote Sequence: 549

Yeas—116

The Chair	Arza	Barreiro	Bense
Alexander	Attkisson	Baxley	Benson
Allen	Atwater	Bean	Berfield
Andrews	Ausley	Bendross-Mindingall	Betancourt
Argenziano	Baker	Bennett	Bilirakis

Brummer	Gibson	Kravitz	Rich
Brutus	Goodlette	Kyle	Richardson
Bucher	Gottlieb	Lacasa	Ritter
Bullard	Green	Lee	Romeo
Byrd	Greenstein	Lerner	Ross
Cantens	Haridopolos	Littlefield	Rubio
Carassas	Harper	Lynn	Russell
Clarke	Harrell	Machek	Ryan
Crow	Harrington	Mack	Seiler
Cusack	Hart	Mahon	Simmons
Davis	Henriquez	Mayfield	Siplin
Detert	Heyman	Maygarden	Slosberg
Diaz de la Portilla	Hogan	McGriff	Smith
Diaz-Balart	Holloway	Meadows	Sobel
Dockery	Jennings	Mealor	Sorensen
Farkas	Johnson	Melvin	Spratt
Fasano	Jordan	Miller	Stansel
Fields	Joyner	Murman	Trovillion
Flanagan	Justice	Needelman	Wallace
Frankel	Kallinger	Negron	Waters
Gannon	Kendrick	Paul	Weissman
Garcia	Kilmer	Peterman	Wiles
Gardiner	Kosmas	Pickens	Wilson
Gelber	Kottkamp	Prieguez	Wishner

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 SPEAKER IN THE CHAIR

The Honorable Tom Feeny, 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 CS for CS for SB 1202, as amended and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS for CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms “controlling interest” and “voluntary board member” and revising the definition of “resident care plan” for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney’s fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse’s duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent

concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms “intentional misconduct” and “gross negligence”; prescribing criteria governing employers’ liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney’s fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility’s license or impose a fine; authorizing placing fines in escrow; requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; requiring daily charting of specified certified nursing assistant services; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term “adverse incident”; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer’s disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance

with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents and of liability claims; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring copies of complaints filed in court to be provided to the agency; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.441, F.S.; clarifying facility inspection requirements; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to

discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment; requiring the department to review and approve rate filings of the association; amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.; providing for applicability of specified provisions of the act; providing appropriations; providing for severability; providing effective dates.

(House Amendment 1 attached to original bill and shown in the *Journal* on pages 1450-1478, May 1.)

Senate Amendment 1 to House Amendment 1 (with title amendment)—On page 1, line 17, through page 129, line 7, delete those lines

and insert:

Section 1. Subsection (4) of section 400.0073, Florida Statutes, is amended to read:

400.0073 State and local ombudsman council investigations.—

(4) In addition to any specific investigation made pursuant to a complaint, the local 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. *This inspection shall focus on the rights, health, safety, and welfare of the residents.*

Section 2. Section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(1) "Administrator" means the licensed individual who has the general administrative charge of a facility.

(2) "Agency" means the Agency for Health Care Administration, which is the licensing agency under this part.

(3) "Bed reservation policy" means the number of consecutive days and the number of days per year that a resident may leave the nursing home facility for overnight therapeutic visits with family or friends or for hospitalization for an acute condition before the licensee may discharge the resident due to his or her absence from the facility.

(4) "Board" means the Board of Nursing Home Administrators.

(5) "Controlling interest" means:

(a) *The applicant for licensure or a licensee;*

(b) *A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the*

management company or other entity, related or unrelated, which the applicant or licensee may contract with to operate the facility; or

(c) A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the applicant or licensee.

The term does not include a voluntary board member.

(6)(5) "Custodial service" means care for a person which entails observation of diet and sleeping habits and maintenance of a watchfulness over the general health, safety, and well-being of the aged or infirm.

(7)(6) "Department" means the Department of Children and Family Services.

(8)(7) "Facility" means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.

(9)(8) "Geriatric outpatient clinic" means a site for providing outpatient health care to persons 60 years of age or older, which is staffed by a registered nurse or a physician assistant.

(10)(9) "Geriatric patient" means any patient who is 60 years of age or older.

(11)(10) "Local ombudsman council" means a local long-term care ombudsman council established pursuant to s. 400.0069, located within the Older Americans Act planning and service areas.

(12)(11) "Nursing home bed" means an accommodation which is ready for immediate occupancy, or is capable of being made ready for occupancy within 48 hours, excluding provision of staffing; and which conforms to minimum space requirements, including the availability of appropriate equipment and furnishings within the 48 hours, as specified by rule of the agency, for the provision of services specified in this part to a single resident.

(13)(12) "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.

(14)(13) "Nursing service" means such services or acts as may be rendered, directly or indirectly, to and in behalf of a person by individuals as defined in s. 464.003.

(15)(14) "Planning and service area" means the geographic area in which the Older Americans Act programs are administered and services are delivered by the Department of Elderly Affairs.

(16)(15) "Respite care" means admission to a nursing home for the purpose of providing a short period of rest or relief or emergency alternative care for the primary caregiver of an individual receiving care at home who, without home-based care, would otherwise require institutional care.

(17)(16) "Resident care plan" means a written plan developed, maintained, and reviewed not less than quarterly by a registered nurse, with participation from other facility staff and the resident or his or her designee or legal representative, which includes a comprehensive assessment of the needs of an individual resident, the type and frequency of services required to provide the necessary care for the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being, a listing of services provided within or outside the facility to meet those needs, and an explanation of service goals. The resident care plan must be signed by the director of nursing and the resident, the resident's designee, or the resident's legal representative.

(18)(17) "Resident designee" means a person, other than the owner, administrator, or employee of the facility, designated in writing by a resident or a resident's guardian, if the resident is adjudicated incompetent, to be the resident's representative for a specific, limited purpose.

(19)(18) "State ombudsman council" means the State Long-Term Care Ombudsman Council established pursuant to s. 400.0067.

(20) "Voluntary board member" means a director of a not-for-profit corporation or organization who serves solely in a voluntary capacity for the corporation or organization, does not receive any remuneration for his or her services on the board of directors, and has no financial interest in the corporation or organization. The agency shall recognize a person as a voluntary board member following submission of a statement to the agency by the director and the not-for-profit corporation or organization which affirms that the director conforms to this definition. The statement affirming the status of the director must be submitted to the agency on a form provided by the agency.

Section 3. The Agency for Health Care Administration and the Office of the Attorney General shall jointly study the potential use of electronic monitoring devices in nursing home facilities licensed under part II of chapter 400, Florida Statutes. The study shall include, but not be limited to, a review of the current use of electronic monitoring devices by nursing home facilities and their residents and other health care facilities; an analysis of other state laws and proposed legislation related to the mandated use of electronic monitoring devices in nursing home facilities; an analysis of the potential ramifications of requiring facilities to install such devices when requested by or on behalf of a resident; the impact of the devices on the privacy and dignity of the resident on whose behalf the device is installed and other residents who may be affected by the device; the potential impact on improving the care of residents; the potential impact on the care environment and on staff recruitment and retention; appropriate uses of any tapes if mandated by law, including methods and timeframes for reporting any questionable incidents to the facility and appropriate regulatory agencies; appropriate security needed to protect the integrity of tapes for the protection of the resident and direct-care staff; and the potential ramifications on the care environment of allowing the use of recorded tapes in legal proceedings, including any exceptions that should apply if prohibited. The Agency for Health Care Administration shall lead the study and shall submit the findings and recommendations of the study to the Governor, the President of the Senate, and Speaker of the House of Representatives by January 1, 2002.

Section 4. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.023, Florida Statutes, is amended to read:

400.023 Civil enforcement.—

(1) Any resident whose rights as specified in this part are ~~violated deprived or infringed upon~~ shall have a cause of action ~~against any licensee responsible for the violation~~. The action may be brought by the resident or his or her guardian, by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident ~~regardless of the cause of death. If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21 when the cause of death resulted from the deprivation or infringement of the decedent's rights. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident.~~ The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for any violation of ~~deprivation or infringement on~~ the rights of a resident or for negligence. Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action, and a reasonable attorney's fee assessed against the defendant not to exceed \$25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is

brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.023-400.0238 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a nursing home resident arising out of negligence or a violation of rights specified in s. 400.022. This section does not preclude theories of recovery not arising out of negligence or s. 400.022 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.023-400.0238. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident and to the agency.

(2) In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:

- (a) The defendant owed a duty to the resident;
- (b) The defendant breached the duty to the resident;
- (c) The breach of the duty is a legal cause of loss, injury, death, or damage to the resident; and
- (d) The resident sustained loss, injury, death, or damage as a result of the breach.

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.022 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

(2) Attorneys' fees shall be based on the following criteria:

- (a) The time and labor required;
- (b) The novelty and difficulty of the questions;
- (c) The skill requisite to perform the legal service properly;
- (d) The preclusion of other employment by the attorney due to the acceptance of the case;
- (e) The customary fee;
- (f) Whether the fee is fixed or contingent;
- (g) The amount involved or the results obtained;
- (h) The experience, reputation, and ability of the attorneys;
- (i) The costs expended to prosecute the claim;
- (j) The type of fee arrangement between the attorney and the client;
- (k) Whether the relevant market requires a contingency fee multiplier to obtain competent counsel;
- (l) Whether the attorney was able to mitigate the risk of nonpayment in any way.

(3) In any claim brought pursuant to s. 400.023, a licensee, person, or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person, or entity would use under like circumstances.

(4) In any claim for resident's rights violation or negligence by a nurse licensed under part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all

relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses.

(5)(3) A licensee shall not be liable for the medical negligence of any physician rendering care or treatment to the resident except for the administrative services of a medical director as required in this part. Nothing in this subsection shall be construed to protect a licensee, person, or entity from liability for failure to provide a resident with appropriate observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care by nursing staff.

(6) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.

(7) An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provision of s. 768.21(8) do not apply to a claim alleging death of the resident.

(4) Claimants alleging a deprivation or infringement of adequate and appropriate health care pursuant to s. 400.022(1)(k) which resulted in personal injury to or the death of a resident shall conduct an investigation which shall include a review by a licensed physician or registered nurse familiar with the standard of nursing care for nursing home residents pursuant to this part. Any complaint alleging such a deprivation or infringement shall be accompanied by a verified statement from the reviewer that there exists reason to believe that a deprivation or infringement occurred during the resident's stay at the nursing home. Such opinion shall be based on records or other information available at the time that suit is filed. Failure to provide records in accordance with the requirements of this chapter shall waive the requirement of the verified statement.

(5) For the purpose of this section, punitive damages may be awarded for conduct which is willful, wanton, gross or flagrant, reckless, or consciously indifferent to the rights of the resident.

(6) To recover attorney's fees under this section, the following conditions precedent must be met:

(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.

1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:

a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.

b. Set a date for mediation.

c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.

2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.

3. The mediation shall be conducted in the following manner:

a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.

b. Each party shall mediate in good faith.

4—All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.

(b)—If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.

(c)—This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.

(d)—This subsection applies to all causes of action that accrue on or after October 1, 1999.

(7)—Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(8)—In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.

Section 5. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0233, Florida Statutes, is created to read:

400.0233 *Presuit notice; investigation; notification of violation of resident's rights or alleged negligence; claims evaluation procedure; informal discovery; review.*—

(1) *As used in this section, the term:*

(a) "Claim for resident's rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.022 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, joint underwriting association, or uninsured prospective defendant.

(2) *Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.022 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.*

(3)(a) *No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:*

1. *Internal review by a duly qualified facility risk manager or claims adjuster;*

2. *Internal review by counsel for each prospective defendant;*

3. *A quality assurance committee authorized under any applicable state or federal statutes or regulations; or*

4. *Any other similar procedure that fairly and promptly evaluates the claims.*

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) *At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:*

1. *Rejecting the claim; or*

2. *Making a settlement offer.*

(c) *The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.*

(4) *The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.*

(5) *No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.*

(6) *Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).*

(7) *Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things as follows:*

(a) *Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.*

(b) *Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.*

(8) *Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the*

request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of the defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 6. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0234, Florida Statutes, is created to read:

400.0234 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records, including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility in accordance with s. 400.145 shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the good-faith certificate and presuit notice requirements under this part by the requesting party.

(2) No facility shall be held liable for any civil damages as a result of complying with this section.

Section 7. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0235, Florida Statutes, is created to read:

400.0235 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence recognized under this part is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 8. Effective May 15, 2001, section 400.0236, Florida Statutes, is created to read:

400.0236 Statute of limitations.—

(1) Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.

(2) In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event for more than 6 years from the date the incident giving rise to the injury occurred.

(3) This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional

misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event more than 4 years from the effective date of this section.

Section 9. Section 400.0237, Florida Statutes, is created to read:

400.0237 Punitive damages; pleading; burden of proof.—

(1) In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 10. Section 400.0238, Florida Statutes, is created to read:

400.0238 Punitive damages; limitation.—

(1)(a) Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:

1. Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$1 million.

(b) Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from

the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:

1. Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$4 million.

(c) Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages.

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant's attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.

(b) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(c) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.

(d) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 11. Subsection (1) and paragraph (a) of subsection (2) of section 768.735, Florida Statutes, are amended and subsection (3) is added to that section to read:

768.735 Punitive damages; exceptions; limitation.—

(1) Sections 768.72(2)-(4), 768.725, and 768.73 do not apply to any civil action based upon child abuse, abuse of the elderly *under chapter 415*, or abuse of the developmentally disabled ~~or any civil action arising under chapter 400~~. Such actions are governed by applicable statutes and controlling judicial precedent. *This section does not apply to claims brought pursuant to s. 400.023 or s. 400.429.*

(2)(a) In any civil action based upon child abuse, abuse of the elderly *under chapter 415*, or abuse of the developmentally disabled, ~~or actions arising under chapter 400~~ and involving the award of punitive damages, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). This subsection does not apply to any class action.

(3) *This section is remedial in nature and shall take effect upon becoming a law.*

Section 12. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 415.1111, Florida Statutes, is amended to read:

415.1111 Civil actions.—A vulnerable adult who has been abused, neglected, or exploited as specified in this chapter has a cause of action against any perpetrator and may recover actual and punitive damages for such abuse, neglect, or exploitation. The action may be brought by the vulnerable adult, or that person's guardian, by a person or organization acting on behalf of the vulnerable adult with the consent of that person or that person's guardian, or by the personal representative of the estate of a deceased victim 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 adult. 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 adult. *Notwithstanding the foregoing, any civil action for damages against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part II of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.023, or against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part III of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.429. Such licensee or entity shall not be vicariously liable for the acts or omissions of its employees or agents or any other third party in an action brought under this section.*

Section 13. Subsection (17) is added to section 400.0255, Florida Statutes, to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(17) *The provisions of this section apply to transfers or discharges that are initiated by the nursing home facility, and not by the resident or by the resident's physician or legal guardian or representative.*

Section 14. Subsection (3) of section 400.062, Florida Statutes, is amended to read:

400.062 License required; fee; disposition; display; transfer.—

(3) The annual license fee required for each license issued under this part shall be comprised of two parts. Part I of the license fee shall be the basic license fee. The rate per bed for the basic license fee shall be established annually and shall be \$50 per bed. *The agency may adjust the per bed licensure fees by the Consumer Price Index based on the 12*

months immediately preceding the increase ~~must be reasonably calculated~~ to cover the cost of regulation under this part, ~~but may not exceed \$35 per bed.~~ Part II of the license fee shall be the resident protection fee, which shall be at the rate of not less than 25 cents per bed. The rate per bed shall be the minimum rate per bed, and such rate shall remain in effect until the effective date of a rate per bed adopted by rule by the agency pursuant to this part. At such time as the amount on deposit in the Resident Protection Trust Fund is less than \$1 million ~~\$500,000~~, the agency may adopt rules to establish a rate which may not exceed \$10 per bed. The rate per bed shall revert back to the minimum rate per bed when the amount on deposit in the Resident Protection Trust Fund reaches \$1 million ~~\$500,000~~, except that any rate established by rule shall remain in effect until such time as the rate has been equally required for each license issued under this part. Any amount in the fund in excess of \$2 million ~~\$800,000~~ shall revert to the Health Care Trust Fund and may not be expended without prior approval of the Legislature. The agency may prorate the annual license fee for those licenses which it issues under this part for less than 1 year. Funds generated by license fees collected in accordance with this section shall be deposited in the following manner:

(a) The basic license fee collected shall be deposited in the Health Care Trust Fund, established for the sole purpose of carrying out this part. When the balance of the account established in the Health Care Trust Fund for the deposit of fees collected as authorized under this section exceeds one-third of the annual cost of regulation under this part, the excess shall be used to reduce the licensure fees in the next year.

(b) The resident protection fee collected shall be deposited in the Resident Protection Trust Fund for the sole purpose of paying, in accordance with the provisions of s. 400.063, for the appropriate alternate placement, care, and treatment of a resident removed from a nursing home facility on a temporary, emergency basis or for the maintenance and care of residents in a nursing home facility pending removal and alternate placement.

Section 15. Subsections (2) and (5) of section 400.071, Florida Statutes, are amended, and subsections (11) and (12) are added to that section, to read:

400.071 Application for license.—

(2) The application shall be under oath and shall contain the following:

(a) The name, address, and social security number of the applicant if an individual; if the applicant is a firm, partnership, or association, its name, address, and employer identification number (EIN), and the name and address of ~~any controlling interest every member; if the applicant is a corporation, its name, address, and employer identification number (EIN), and the name and address of its director and officers and of each person having at least a 5 percent interest in the corporation;~~ and the name by which the facility is to be known.

(b) The name of any person whose name is required on the application under the provisions of paragraph (a) and who owns at least a 10 percent interest in any professional service, firm, association, partnership, or corporation providing goods, leases, or services to the facility for which the application is made, and the name and address of the professional service, firm, association, partnership, or corporation in which such interest is held.

(c) The location of the facility for which a license is sought and an indication, as in the original application, that such location conforms to the local zoning ordinances.

(d) The name of the person or persons under whose management or supervision the facility will be conducted and the name of ~~the its licensed~~ administrator.

(e) A signed affidavit disclosing any financial or ownership interest that a person or entity described in paragraph (a) or paragraph (d) has held in the last 5 years in any entity licensed by this state or any other state to provide health or residential care which has closed voluntarily

or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason any such entity was closed, whether voluntarily or involuntarily.

(f)(e) The total number of beds and the total number of Medicare and Medicaid certified beds.

(g)(f) Information relating to the number, experience, and training of the employees of the facility and of the moral character of the applicant and employees which the agency requires by rule, including the name and address of any nursing home with which the applicant or employees have been affiliated through ownership or employment within 5 years of the date of the application for a license and the record of any criminal convictions involving the applicant and any criminal convictions involving an employee if known by the applicant after inquiring of the employee. The applicant must demonstrate that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of residents who will reside in the facility.

(h)(g) Copies of any civil verdict or judgment involving the applicant rendered within the 10 years preceding the application, relating to medical negligence, violation of residents' rights, or wrongful death. As a condition of licensure, the licensee agrees to provide to the agency copies of any new verdict or judgment involving the applicant, relating to such matters, within 30 days after filing with the clerk of the court. The information required in this paragraph shall be maintained in the facility's licensure file and in an agency database which is available as a public record.

(5) The applicant shall furnish satisfactory proof of financial ability to operate and conduct the *nursing* home in accordance with the requirements of this part and all rules adopted under this part, and the agency shall establish standards for this purpose, *including information reported under paragraph (2)(e)*. The agency also shall establish documentation requirements, to be completed by each applicant, that show anticipated facility revenues and expenditures, the basis for financing the anticipated cash-flow requirements of the facility, and an applicant's access to contingency financing.

(11) *The agency may issue an inactive license to a nursing home that will be temporarily unable to provide services but that is reasonably expected to resume services. Such designation may be made for a period not to exceed 12 months but may be renewed by the agency for up to 6 additional months. Any request by a licensee that a nursing home become inactive must be submitted to the agency and approved by the agency prior to initiating any suspension of service or notifying residents. Upon agency approval, the nursing home shall notify residents of any necessary discharge or transfer as provided in s. 400.0255.*

(12) *As a condition of licensure, each facility must establish and submit with its application a plan for quality assurance and for conducting risk management.*

Section 16. Subsection (1) of section 400.102, Florida Statutes, is amended to read:

400.102 Action by agency against licensee; grounds.—

(1) Any of the following conditions shall be grounds for action by the agency against a licensee:

(a) An intentional or negligent act materially affecting the health or safety of residents of the facility;

(b) Misappropriation or conversion of the property of a resident of the facility;

(c) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a nursing home resident;

(d) Violation of provisions of this part or rules adopted under this part; ~~or~~

(e) *Fraudulent altering, defacing, or falsifying any medical or nursing home records, or causing or procuring any of these offenses to be committed; or*

(f)(e) Any act constituting a ground upon which application for a license may be denied.

Section 17. Subsections (3) and (4) are added to section 400.111, Florida Statutes, to read:

400.111 Expiration of license; renewal.—

(3) *The agency may not renew a license if the applicant has failed to pay any fines assessed by final order of the agency or final order of the Health Care Financing Administration under requirements for federal certification. The agency may renew the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order.*

(4) *The licensee shall submit a signed affidavit disclosing any financial or ownership interest that a licensee has held within the last 5 years in any entity licensed by the state or any other state to provide health or residential care which entity has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntarily or involuntarily.*

Section 18. Subsection (2) of section 400.118, Florida Statutes, is amended to read:

400.118 Quality assurance; early warning system; monitoring; rapid response teams.—

(2)(a) The agency shall establish within each district office one or more quality-of-care monitors, based on the number of nursing facilities in the district, to monitor all nursing facilities in the district on a regular, unannounced, aperiodic basis, including nights, evenings, weekends, and holidays. *Quality-of-care monitors shall visit each nursing facility at least quarterly. Priority for additional monitoring visits shall be given to nursing facilities with a history of resident patient care deficiencies. Quality-of-care monitors shall be registered nurses who are trained and experienced in nursing facility regulation, standards of practice in long-term care, and evaluation of patient care. Individuals in these positions shall not be deployed by the agency as a part of the district survey team in the conduct of routine, scheduled surveys, but shall function solely and independently as quality-of-care monitors. Quality-of-care monitors shall assess the overall quality of life in the nursing facility and shall assess specific conditions in the facility directly related to resident patient care, including the operations of internal quality improvement and risk management programs and adverse incident reports. The quality-of-care monitor shall include in an assessment visit observation of the care and services rendered to residents and formal and informal interviews with residents, family members, facility staff, resident guests, volunteers, other regulatory staff, and representatives of a long-term care ombudsman council or Florida advocacy council.*

(b) Findings of a monitoring visit, both positive and negative, shall be provided orally and in writing to the facility administrator or, in the absence of the facility administrator, to the administrator on duty or the director of nursing. The quality-of-care monitor may recommend to the facility administrator procedural and policy changes and staff training, as needed, to improve the care or quality of life of facility residents. Conditions observed by the quality-of-care monitor which threaten the health or safety of a resident shall be reported immediately to the agency area office supervisor for appropriate regulatory action and, as appropriate or as required by law, to law enforcement, adult protective services, or other responsible agencies.

(c) Any record, whether written or oral, or any written or oral communication generated pursuant to paragraph (a) or paragraph (b) shall not be subject to discovery or introduction into evidence in any civil or administrative action against a nursing facility arising out of matters

which are the subject of quality-of-care monitoring, and a person who was in attendance at a monitoring visit or evaluation may not be permitted or required to testify in any such civil or administrative action as to any evidence or other matters produced or presented during the monitoring visits or evaluations. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented during monitoring visits or evaluations, and any person who participates in such activities may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her participation in such activities. The exclusion from the discovery or introduction of evidence in any civil or administrative action provided for herein shall not apply when the quality-of-care monitor makes a report to the appropriate authorities regarding a threat to the health or safety of a resident.

Section 19. Section 400.1183, Florida Statutes, is created to read:

400.1183 Resident grievance procedures.—

(1) *Every nursing home must have a grievance procedure available to its residents and their families. The grievance procedure must include:*

(a) *An explanation of how to pursue redress of a grievance.*

(b) *The names, job titles, and telephone numbers of the employees responsible for implementing the facility's grievance procedure. The list must include the address and the toll-free telephone numbers of the ombudsman and the agency.*

(c) *A simple description of the process through which a resident may, at any time, contact the toll-free telephone hotline of the ombudsman or the agency to report the unresolved grievance.*

(d) *A procedure for providing assistance to residents who cannot prepare a written grievance without help.*

(2) *Each facility shall maintain records of all grievances and shall report annually to the agency the total number of grievances handled, a categorization of the cases underlying the grievances, and the final disposition of the grievances.*

(3) *Each facility must respond to the grievance within a reasonable time after its submission.*

(4) *The agency may investigate any grievance at any time.*

(5) *The agency may impose an administrative fine, in accordance with s. 400.121, against a nursing home facility for noncompliance with this section.*

Section 20. Section 400.121, Florida Statutes, is amended to read:

400.121 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedure; order to increase staffing.—

(1) The agency may deny an application, revoke, or suspend a license, or impose an administrative fine, not to exceed \$500 per violation per day, against any applicant or licensee for the following violations by the applicant, licensee, or other controlling interest: ~~for~~

(a) A violation of any provision of s. 400.102(1);-

(b) A demonstrated pattern of deficient practice;

(c) *Failure to pay any outstanding fines assessed by final order of the agency or final order of the Health Care Financing Administration pursuant to requirements for federal certification. The agency may renew or approve the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order;*

(d) *Exclusion from the Medicare or Medicaid program; or*

(e) *An adverse action by a regulatory agency against any other licensed facility that has a common controlling interest with the licensee or applicant against whom the action under this section is being brought.*

If the adverse action involves solely the management company, the applicant or licensee shall be given 30 days to remedy before final action is taken. If the adverse action is based solely upon actions by a controlling interest, the applicant or licensee may present factors in mitigation of any proposed penalty based upon a showing that such penalty is inappropriate under the circumstances.

All hearings shall be held within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

(2) ~~Except as provided in s. 400.23(8), a \$500 fine shall be imposed~~ The agency, as a part of any final order issued by it under this part, may impose such fine as it deems proper, except that such fine may not exceed \$500 for each violation. Each day a violation of this part occurs constitutes a separate violation and is subject to a separate fine, but in no event may any fine aggregate more than \$5,000. A fine may be levied pursuant to this section in lieu of and notwithstanding the provisions of s. 400.23. Fines paid by any nursing home facility licensee under this subsection shall be deposited in the Resident Protection Trust Fund and expended as provided in s. 400.063.

(3) *The agency shall revoke or deny a nursing home license if the licensee or controlling interest operates a facility in this state that:*

(a) *Has had two moratoria imposed by final order for substandard quality of care, as defined by Title 42, C.F.R. part 483, within any 30-month period;*

(b) *Is conditionally licensed for 180 or more continuous days;*

(c) *Is cited for two class I deficiencies arising from unrelated circumstances during the same survey or investigation; or*

(d) *Is cited for two class I deficiencies arising from separate surveys or investigations within a 30-month period.*

The licensee may present factors in mitigation of revocation, and the agency may make a determination not to revoke a license based upon a showing that revocation is inappropriate under the circumstances.

(4)(3) The agency may issue an order immediately suspending or revoking a license when it determines that any condition in the facility presents a danger to the health, safety, or welfare of the residents in the facility.

(5)(4)(a) The agency may impose an immediate moratorium on admissions to any facility when the agency determines that any condition in the facility presents a threat to the health, safety, or welfare of the residents in the facility.

(b) Where the agency has placed a moratorium on admissions on any facility two times within a 7-year period, the agency may suspend the license of the nursing home and the facility's management company, if any. ~~The licensee shall be afforded an administrative hearing within 90 days after the suspension to determine whether the license should be revoked.~~ During the suspension, the agency shall take the facility into receivership and shall operate the facility.

(6)(5) An action taken by the agency to deny, suspend, or revoke a facility's license under this part, ~~in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility,~~ shall be heard by the Division of Administrative Hearings of the Department of Management Services within 60 ~~120~~ days after the assignment of an administrative law judge receipt of the facility's request for a hearing, unless the time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order. ~~This subsection does not modify the requirement that an administrative hearing be held within 90 days after a license is suspended under paragraph (4)(b).~~

(7)(6) The agency is authorized to require a facility to increase staffing beyond the minimum required by law, if the agency has taken administrative action against the facility for care-related deficiencies directly attributable to insufficient staff. Under such circumstances, the

facility may request an expedited interim rate increase. The agency shall process the request within 10 days after receipt of all required documentation from the facility. A facility that fails to maintain the required increased staffing is subject to a fine of \$500 per day for each day the staffing is below the level required by the agency.

(8) *An administrative proceeding challenging an action taken by the agency pursuant to this section shall be reviewed on the basis of the facts and conditions that resulted in such agency action.*

(9) *Notwithstanding any other provision of law to the contrary, agency action in an administrative proceeding under this section may be overcome by the licensee upon a showing by a preponderance of the evidence to the contrary.*

(10) *In addition to any other sanction imposed under this part, in any final order that imposes sanctions, the agency may assess costs related to the investigation and prosecution of the case. Payment of agency costs shall be deposited into the Health Care Trust Fund.*

Section 21. Subsection (12) is added to section 400.126, Florida Statutes, to read:

400.126 Receivership proceedings.—

(12) *Concurrently with the appointment of a receiver, the agency and the Department of Elderly Affairs shall coordinate an assessment of each resident in the facility by the Comprehensive Assessment and Review for Long-Term-Care (CARES) Program for the purpose of evaluating each resident's need for the level of care provided in a nursing facility and the potential for providing such care in alternative settings. If the CARES assessment determines that a resident could be cared for in a less restrictive setting or does not meet the criteria for skilled or intermediate care in a nursing home, the department and agency shall refer the resident for such care, as is appropriate for the resident. Residents referred pursuant to this subsection shall be given primary consideration for receiving services under the Community Care for the Elderly program in the same manner as persons classified to receive such services pursuant to s. 430.205.*

Section 22. Subsections (14), (15), (16), (17), (18), (19), and (20) are added to section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(14) *Submit to the agency the information specified in s. 400.071(2)(e) for a management company within 30 days after the effective date of the management agreement.*

(15) *Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff-to-resident ratios, staff turnover, and staff stability, including information regarding certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:*

(a) *Staff-to-resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.*

(b) *Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed quarterly, with the annual rate being the cumulative sum of the quarterly rates. The turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.*

(c) *The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.*

(d) A nursing facility that has failed to comply with state minimum-staffing requirements for 2 consecutive days is prohibited from accepting new admissions until the facility has achieved the minimum-staffing requirements for a period of 6 consecutive days. For the purposes of this paragraph, any person who was a resident of the facility and was absent from the facility for the purpose of receiving medical care at a separate location or was on a leave of absence is not considered a new admission. Failure to impose such an admissions moratorium constitutes a class II deficiency.

(16) Report monthly the number of vacant beds in the facility which are available for resident occupancy on the day the information is reported.

(17) Notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

(18) If the facility implements a dining and hospitality attendant program, ensure that the program is developed and implemented under the supervision of the facility director of nursing. A licensed nurse, licensed speech or occupational therapist, or a registered dietitian must conduct training of dining and hospitality attendants. A person employed by a facility as a dining and hospitality attendant must perform tasks under the direct supervision of a licensed nurse.

(19) Report to the agency any filing for bankruptcy protection by the facility or its parent corporation, divestiture or spin-off of its assets, or corporate reorganization within 30 days after the completion of such activity.

(20) Maintain liability insurance coverage that is in force at all times.

(21) Maintain in the medical record for each resident a daily chart of certified nursing assistant services provided to the resident. The certified nursing assistant who is caring for the resident must complete this record by the end of his or her shift. This record must indicate assistance with activities of daily living, assistance with eating, and assistance with drinking, and must record each offering of nutrition and hydration for those residents whose plan of care or assessment indicates a risk for malnutrition or dehydration.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 23. Section 400.1413, Florida Statutes, is created to read:

400.1413 *Volunteers in nursing homes.*—

(1) It is the intent of the Legislature to encourage the involvement of volunteers in nursing homes in this state. The Legislature also acknowledges that the licensee is responsible for all the activities that take place in the nursing home and recognizes the licensee's need to be aware of and coordinate volunteer activities in the nursing home. Therefore, a nursing home may require that volunteers:

(a) Sign in and out with staff of the nursing home upon entering or leaving the facility.

(b) Wear an identification badge while in the building.

(c) Participate in a facility orientation and training program.

(2) This section does not affect the activities of state or local long-term-care ombudsman councils authorized under part I.

Section 24. Section 400.147, Florida Statutes, is created to read:

400.147 *Internal risk management and quality assurance program.*—

(1) Every facility shall, as part of its administrative functions, establish an internal risk management and quality assurance program, the purpose of which is to assess resident care practices; review facility quality indicators, facility incident reports, deficiencies cited by the agency, and resident grievances; and develop plans of action to correct and respond quickly to identified quality deficiencies. The program must include:

(a) A designated person to serve as risk manager, who is responsible for implementation and oversight of the facility's risk management and quality assurance program as required by this section.

(b) A risk management and quality assurance committee consisting of the facility risk manager, the administrator, the director of nursing, the medical director, and at least three other members of the facility staff. The risk management and quality assurance committee shall meet at least monthly.

(c) Policies and procedures to implement the internal risk management and quality assurance program, which must include the investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents to residents.

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report adverse incidents to the risk manager, or to his or her designee, within 3 business days after their occurrence.

(e) The development of appropriate measures to minimize the risk of adverse incidents to residents, including, but not limited to, education and training in risk management and risk prevention for all nonphysician personnel, as follows:

1. Such education and training of all nonphysician personnel must be part of their initial orientation; and

2. At least 1 hour of such education and training must be provided annually for all nonphysician personnel of the licensed facility working in clinical areas and providing resident care.

(f) The analysis of resident grievances that relate to resident care and the quality of clinical services.

(2) The internal risk management and quality assurance program is the responsibility of the facility administrator.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of adverse incidents to residents and violations of residents' rights shall be encouraged and their implementation and operation facilitated.

(4) Each internal risk management and quality assurance program shall include the use of incident reports to be filed with the risk manager and the facility administrator. The risk manager shall have free access to all resident records of the licensed facility. The incident reports are part of the work papers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management and quality assurance program, the incident reports shall be used to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct the problem areas.

(5) For purposes of reporting to the agency under this section, the term "adverse incident" means:

(a) An event over which facility personnel could exercise control and which is associated in whole or in part with the facility's intervention, rather than the condition for which such intervention occurred, and which results in one of the following:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;
4. Fracture or dislocation of bones or joints;
5. A limitation of neurological, physical, or sensory function;
6. Any condition that required medical attention to which the resident has not given his or her informed consent, including failure to honor advanced directives; or
7. Any condition that required the transfer of the resident, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the resident's condition prior to the adverse incident;

- (b) Abuse, neglect, or exploitation as defined in s. 415.102;
- (c) Abuse, neglect and harm as defined in s. 39.01;
- (d) Resident elopement; or
- (e) An event that is reported to law enforcement.
- (6) The internal risk manager of each licensed facility shall:

(a) Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact when the allegation is that the sexual misconduct occurred at the facility or at the grounds of the facility;

(b) Report every allegation of sexual misconduct to the administrator of the licensed facility; and

(c) Notify the resident representative or guardian of the victim that an allegation of sexual misconduct has been made and that an investigation is being conducted.

(7) The facility shall initiate an investigation and shall notify the agency within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). The notification must be made in writing and be provided electronically, by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(8)(a) Each facility shall complete the investigation and submit an adverse incident report to the agency for each adverse incident within 15 calendar days after its occurrence. If after a complete investigation, the risk manager determines that the incident was not an adverse incident as defined in subsection (5), the facility shall include this information in the report. The agency shall develop a form for reporting this information.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency must also contain the name of the risk manager of the facility.

(d) The adverse incident report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board.

(9) Each facility subject to this section shall report monthly any liability claim filed against it. The report must include the name of the resident, the date or dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

(10) The agency shall review, as part of its licensure inspection process, the internal risk management and quality assurance program at each facility regulated by this section to determine whether the program meets standards established in statutory laws and rules, is being conducted in a manner designed to reduce adverse incidents, and is appropriately reporting incidents as required by this section.

(11) There is no monetary liability on the part of, and a cause of action for damages may not arise against, any risk manager for the implementation and oversight of the internal risk management and quality assurance program in a facility licensed under this part as required by this section, or for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management and quality assurance program if the risk manager acts without intentional fraud.

(12) If the agency, through its receipt of the adverse incident reports prescribed in subsection (7), or through any investigation, has a reasonable belief that conduct by a staff member or employee of a facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to the regulatory board.

(13) The agency may adopt rules to administer this section.

(14) The agency shall annually submit to the Legislature a report on nursing home adverse incidents. The report must include the following information arranged by county:

(a) The total number of adverse incidents.

(b) A listing, by category, of the types of adverse incidents, the number of incidents occurring within each category, and the type of staff involved.

(c) A listing, by category, of the types of injury caused and the number of injuries occurring within each category.

(d) Types of liability claims filed based on an adverse incident or reportable injury.

(e) Disciplinary action taken against staff, categorized by type of staff involved.

(15) Information gathered by a credentialing organization under a quality assurance program is not discoverable from the credentialing organization. This subsection does not limit discovery of, access to, or use of facility records, including those records from which the credentialing organization gathered its information.

Section 25. Section 400.148, Florida Statutes, is created to read:

400.148 Medicaid "Up-or-Out" Quality of Care Contract Management Program.—

(1) The Legislature finds that the federal Medicare program has implemented successful models of managing the medical and supportive-care needs of long-term nursing home residents. These programs have maintained the highest practicable level of good health and have the potential to reduce the incidence of preventable illnesses among long-stay residents of nursing homes, thereby increasing the quality of care for residents and reducing the number of lawsuits against nursing homes. Such models are operated at no cost to the state. It is the intent of the Legislature that the Agency for Health Care Administration replicate such oversight for Medicaid recipients in poor-performing nursing homes and in assisted living facilities and nursing homes that are experiencing disproportionate numbers of lawsuits, with the goal of improving the quality of care in such homes or facilitating the revocation of licensure.

(2) *The Agency for Health Care Administration shall develop a pilot project in selected counties to demonstrate the effect of assigning skilled and trained medical personnel to ensure the quality of care, safety, and continuity of care for long-stay Medicaid recipients in the highest-scoring nursing homes in the Florida Nursing Home Guide on the date the project is implemented. The agency is authorized to begin the pilot project, subject to appropriation, in the highest-scoring homes in counties where such services are immediately available. On January 1 of each year of the pilot project, the agency shall submit to the appropriations and substantive committees of the Legislature and the Governor an assessment of the program and a proposal for expansion of the program to additional facilities. The staff of the pilot project shall assist regulatory staff in imposing regulatory sanctions, including revocation of licensure, pursuant to s. 400.121 against nursing homes that have quality-of-care violations.*

(3) *The pilot project must ensure:*

(a) *Oversight and coordination of all aspects of a resident's medical care and stay in a nursing home;*

(b) *Facilitation of close communication between the resident, the resident's guardian or legal representative, the resident's attending physician, the resident's family, and staff of the nursing facility;*

(c) *Frequent onsite visits to the resident;*

(d) *Early detection of medical or quality problems that have the potential to lead to adverse outcomes and unnecessary hospitalization;*

(e) *Close communication with regulatory staff;*

(f) *Immediate investigation of resident quality-of-care complaints and communication and cooperation with the appropriate entity to address those complaints, including the ombudsman, state agencies, agencies responsible for Medicaid program integrity, and local law enforcement agencies;*

(g) *Assistance to the resident or the resident's representative to relocate the resident if quality-of-care issues are not otherwise addressed; and*

(h) *Use of Medicare and other third-party funds to support activities of the program, to the extent possible.*

(4) *The agency shall model the pilot project activities after such Medicare-approved demonstration projects.*

(5) *The agency may contract to provide similar oversight services to Medicaid recipients.*

(6) *The agency shall, jointly with the Statewide Public Guardianship Office, develop a system in the pilot project areas to identify Medicaid recipients who are residents of a participating nursing home or assisted living facility who have diminished ability to make their own decisions and who do not have relatives or family available to act as guardians in nursing homes listed on the Nursing Home Guide Watch List. The agency and the Statewide Public Guardianship Office shall give such residents priority for publicly funded guardianship services.*

Section 26. Section 400.1755, Florida Statutes, is created to read:

400.1755 *Care for persons with Alzheimer's disease or related disorders.—*

(1) *As a condition of licensure, facilities licensed under this part must provide to each of their employees, upon beginning employment, basic written information about interacting with persons with Alzheimer's disease or a related disorder.*

(2) *All employees who are expected to, or whose responsibilities require them to, have direct contact with residents with Alzheimer's disease or a related disorder must, in addition to being provided the information required in subsection (1), also have an initial training of at least 1 hour completed in the first 3 months after beginning employment. This training must include, but is not limited to, an overview of dementias and must provide basic skills in communicating with persons with dementia.*

(3) *An individual who provides direct care shall be considered a direct caregiver and must complete the required initial training and an additional 3 hours of training within 9 months after beginning employment. This training shall include, but is not limited to, managing problem behaviors, promoting the resident's independence in activities of daily living, and skills in working with families and caregivers.*

(a) *The required 4 hours of training for certified nursing assistants are part of the total hours of training required annually.*

(b) *For a health care practitioner as defined in s. 456.001, continuing-education hours taken as required by that practitioner's licensing board shall be counted toward this total of 4 hours.*

(4) *For an employee who is a licensed health care practitioner as defined in s. 456.001, training that is sanctioned by that practitioner's licensing board shall be considered to be approved by the Department of Elderly Affairs.*

(5) *The Department of Elderly Affairs or its designee must approve the initial and continuing training provided in the facilities. The department must approve training offered in a variety of formats, including, but not limited to, internet-based training, videos, teleconferencing, and classroom instruction. The department shall keep a list of current providers who are approved to provide initial and continuing training. The department shall adopt rules to establish standards for the trainers and the training required in this section.*

(6) *Upon completing any training listed in this section, the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different facility or to an assisted living facility, home health agency, adult day care center, or adult family-care home. The direct caregiver must comply with other applicable continuing education requirements.*

An employee hired on or after July 1, 2001, need not comply with the guidelines created in this section before July 1, 2002.

Section 27. Subsections (3) and (4) of section 400.19, Florida Statutes, are amended to read:

400.19 *Right of entry and inspection.—*

(3) *The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period, or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be \$6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys. The agency shall verify through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III or class IV deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.*

(4) *The agency shall conduct unannounced onsite facility reviews following written verification of licensee noncompliance in instances in*

which a long-term care ombudsman council, pursuant to ss. 400.0071 and 400.0075, has received a complaint and has documented deficiencies in resident care or in the physical plant of the facility that threaten the health, safety, or security of residents, or when the agency documents through inspection that conditions in a facility present a direct or indirect threat to the health, safety, or security of residents. However, the agency shall conduct ~~four or more~~ unannounced onsite reviews every 3 months ~~within a 12-month period~~ of each facility ~~while the facility which~~ has a conditional ~~license licensure status~~. Deficiencies related to physical plant do not require followup reviews after the agency has determined that correction of the deficiency has been accomplished and that the correction is of the nature that continued compliance can be reasonably expected.

Section 28. Subsection (3) and paragraph (a) of subsection (5) of section 400.191, Florida Statutes, are amended to read:

400.191 Availability, distribution, and posting of reports and records.—

(3) Each nursing home facility licensee shall maintain as public information, available upon request, records of all cost and inspection reports pertaining to that facility that have been filed with, or issued by, any governmental agency. Copies of such reports shall be retained in such records for not less than 5 years from the date the reports are filed or issued.

(a) *The agency shall quarterly publish a "Nursing Home Guide Watch List" to assist consumers in evaluating the quality of nursing home care in Florida. The watch list must identify each facility that met the criteria for a conditional licensure status on any day within the quarter covered by the list and each facility that was operating under bankruptcy protection on any day within the quarter. The watch list must include, but is not limited to, the facility's name, address, and ownership; the county in which the facility operates; the license expiration date; the number of licensed beds; a description of the deficiency causing the facility to be placed on the list; any corrective action taken; and the cumulative number of times the facility has been on a watch list. The watch list must include a brief description regarding how to choose a nursing home, the categories of licensure, the agency's inspection process, an explanation of terms used in the watch list, and the addresses and phone numbers of the agency's managed care and health quality area offices.*

(b) *Upon publication of each quarterly watch list, the agency must transmit a copy of the watch list to each nursing home facility by mail and must make the watch list available on the agency's Internet web site.*

(5) Every nursing home facility licensee shall:

(a) Post, in a sufficient number of prominent positions in the nursing home so as to be accessible to all residents and to the general public;

1. A concise summary of the last inspection report pertaining to the nursing home and issued by the agency, with references to the page numbers of the full reports, noting any deficiencies found by the agency and the actions taken by the licensee to rectify such deficiencies and indicating in such summaries where the full reports may be inspected in the nursing home.

2. A copy of the most recent version of the Florida Nursing Home Guide Watch List.

Section 29. Subsection (2) of section 400.211, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(2) The following categories of persons who are not certified as nursing assistants under 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 as actively certified and on the registry in another state with no findings of abuse, *neglect, or exploitation in that state*; or

(c) Persons who have preliminarily passed the state's certification exam.

The certification requirement must be met within 4 months after initial employment as a nursing assistant in a licensed nursing facility.

(4) *When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must:*

(a) *Be sufficient to ensure the continuing competence of nursing assistants, must be at least 18 hours per year, and may include hours accrued under s. 464.203(8);*

(b) *Include, at a minimum:*

1. *Techniques for assisting with eating and proper feeding;*
2. *Principles of adequate nutrition and hydration;*
3. *Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;*
4. *Techniques for caring for the resident at the end-of-life; and*
5. *Recognizing changes that place a resident at risk for pressure ulcers and falls; and*

(c) *Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.*

Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

Section 30. Subsections (2), (3), (7), and (8) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, cooling, lighting, ventilation, and other housing conditions which will ensure the health, safety, and comfort of residents, including an adequate call system. The agency shall establish standards for facilities and equipment to increase the extent to which new facilities and a new wing or floor added to an existing facility after July 1, 1999, are structurally capable of serving as shelters only for residents, staff, and families of residents and staff, and equipped to be self-supporting during and immediately following disasters. ~~The agency shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for cost-effective renovation standards to be applied to existing facilities.~~ In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.

(b) The number and qualifications of all personnel, including management, medical, nursing, and other professional personnel, and

nursing assistants, orderlies, and support personnel, having responsibility for any part of the care given residents.

(c) All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene which will ensure the health and comfort of residents.

(d) The equipment essential to the health and welfare of the residents.

(e) A uniform accounting system.

(f) The care, treatment, and maintenance of residents and measurement of the quality and adequacy thereof, based on rules developed under this chapter and the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the Department of Community Affairs. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(h) The implementation of the consumer satisfaction survey pursuant to s. 400.0225; the availability, distribution, and posting of reports and records pursuant to s. 400.191; and the Gold Seal Program pursuant to s. 400.235.

(3)(a) The agency shall adopt rules providing for the minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning January 1, 2004. Beginning January 1, 2002 no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents, including evening and night shifts and weekends. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily Agency rules shall specify requirements for documentation of compliance with staffing standards, sanctions for violation of such standards, and requirements for daily posting of the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse

to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

(b) The agency shall adopt rules to allow properly trained staff of a nursing facility, in addition to certified nursing assistants and licensed nurses, to assist residents with eating. The rules shall specify the minimum training requirements and shall specify the physiological conditions or disorders of residents which would necessitate that the eating assistance be provided by nursing personnel of the facility. Nonnursing staff providing eating assistance to residents under the provisions of this subsection shall not count towards compliance with minimum staffing standards.

(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.

(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.

(a) A standard licensure status means that a facility has no class I or class II deficiencies, has corrected all class III deficiencies within the time established by the agency, ~~and is in substantial compliance at the time of the survey with criteria established under this part, with rules adopted by the agency, and, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.~~

(b) A conditional licensure status means that a facility, due to the presence of one or more class I or class II deficiencies, or class III deficiencies not corrected within the time established by the agency, is not in substantial compliance at the time of the survey with criteria established under this part ~~or, with rules adopted by the agency, or, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.~~ If the facility has no class I, class II, or class III deficiencies comes into substantial compliance at the time of the followup survey, a standard licensure status may be assigned.

(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 in which the facility is located, guardians of residents, and staff of the nursing home facility.

(d) The current licensure status of each facility must be indicated in bold print on the face of the license. A list of the deficiencies of the facility shall be posted in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to that facility. Licensees receiving a conditional licensure status for a facility shall prepare, within 10 working days after receiving notice of deficiencies, a plan for correction of all deficiencies and shall submit the plan to the agency for approval. ~~Correction of all deficiencies, within the period approved by the agency, shall result in termination of the conditional licensure status. Failure to correct the deficiencies within a reasonable period approved by the agency shall be grounds for the imposition of sanctions pursuant to this part.~~

(e) Each licensee shall post its license in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to the facility.

(f) ~~Not later than January 1, 1994,~~ The agency shall adopt rules that:

1. Establish uniform procedures for the evaluation of facilities.
2. Provide criteria in the areas referenced in paragraph (c).
3. Address other areas necessary for carrying out the intent of this section.

(8) The agency shall adopt rules to provide that, when the criteria established under subsection (2) are not met, such deficiencies shall be classified according to the nature and the scope of the deficiency. *The scope shall be cited as isolated, patterned, or widespread. An isolated deficiency is a deficiency affecting one or a very limited number of residents, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency where more than a very limited number of residents are affected, or more than a very limited number of staff are involved, or the situation has occurred in several locations, or the same resident or residents have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the facility or represent systemic failure that has affected or has the potential to affect a large portion of the facility's residents. The agency shall indicate the classification on the face of the notice of deficiencies as follows:*

(a) ~~A class I deficiency is a deficiency that deficiencies are those which the agency determines presents a situation in which immediate corrective action is necessary because the facility's noncompliance has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident receiving care in a facility present an imminent danger to the residents or guests of the nursing home facility or a substantial probability that death or serious physical harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction. Notwithstanding s. 400.121(2), A class I deficiency is subject to a civil penalty of \$10,000 for an isolated deficiency, \$12,500 for a patterned deficiency, and \$15,000 for a widespread in an amount not less than \$5,000 and not exceeding \$25,000 for each and every deficiency. The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A fine must may be levied notwithstanding the correction of the deficiency.~~

(b) ~~A class II deficiency is a deficiency that deficiencies are those which the agency determines has compromised the resident's ability to maintain or reach his or her highest practicable physical, mental, and psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services have a direct or immediate relationship to the health, safety, or security of the nursing home facility residents, other than class I deficiencies. A class II deficiency is subject to a civil penalty of \$2,500 for an isolated deficiency, \$5,000 for a patterned deficiency, and \$7,500 for a widespread in an amount not less than \$1,000 and not exceeding \$10,000 for each and every deficiency. The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A fine shall be levied notwithstanding the correction of the deficiency. A citation for a class II deficiency shall specify the time within which the deficiency is required to be corrected. If a class II deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(c) A class III deficiency is a deficiency that deficiencies are those which the agency determines will result in no more than minimal

physical, mental, or psychosocial discomfort to the resident or has the potential to compromise the resident's ability to maintain or reach his or her highest practical physical, mental, or psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services to have an indirect or potential relationship to the health, safety, or security of the nursing home facility residents, other than class I or class II deficiencies. A class III deficiency is shall be subject to a civil penalty of \$1,000 for an isolated deficiency, \$2,000 for a patterned deficiency, and \$3,000 for a widespread not less than \$500 and not exceeding \$2,500 for each and every deficiency. The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A citation for a class III deficiency must shall specify the time within which the deficiency is required to be corrected. If a class III deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

(d) A class IV deficiency is a deficiency that the agency determines has the potential for causing no more than a minor negative impact on the resident. If the class IV deficiency is isolated, no plan of correction is required.

Section 31. Subsection (5) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(5) Facilities must meet the following additional criteria for recognition as a Gold Seal Program facility:

(a) Had no class I or class II deficiencies within the 30 months preceding application for the program.

(b) Evidence financial soundness and stability according to standards adopted by the agency in administrative rule.

(c) Participate consistently in the required consumer satisfaction process as prescribed by the agency, and demonstrate that information is elicited from residents, family members, and guardians about satisfaction with the nursing facility, its environment, the services and care provided, the staff's skills and interactions with residents, attention to resident's needs, and the facility's efforts to act on information gathered from the consumer satisfaction measures.

(d) Evidence the involvement of families and members of the community in the facility on a regular basis.

(e) Have a stable workforce, as described in s. 400.141, as evidenced by a relatively low rate of turnover among certified nursing assistants and licensed nurses within the 30 months preceding application for the Gold Seal Program, and demonstrate a continuing effort to maintain a stable workforce and to reduce turnover of licensed nurses and certified nursing assistants.

(f) Evidence an outstanding record regarding the number and types of substantiated complaints reported to the State Long-Term Care Ombudsman Council within the 30 months preceding application for the program.

(g) Provide targeted inservice training provided to meet training needs identified by internal or external quality assurance efforts.

A facility assigned a conditional licensure status may not qualify for consideration for the Gold Seal Program until after it has operated for 30 months with no class I or class II deficiencies and has completed a regularly scheduled relicensure survey.

Section 32. Section 400.275, Florida Statutes, is created to read:

400.275 Agency duties.—

(1) The agency shall ensure that each newly hired nursing home surveyor, as a part of basic training, is assigned full-time to a licensed nursing home for at least 2 days within a 7-day period to observe facility operations outside of the survey process before the surveyor begins survey

responsibilities. Such observations may not be the sole basis of a deficiency citation against the facility. The agency may not assign an individual to be a member of a survey team for purposes of a survey, evaluation, or consultation visit at a nursing home facility in which the surveyor was an employee within the preceding 5 years.

(2) The agency shall semiannually provide for joint training of nursing home surveyors and staff of facilities licensed under this part on at least one of the 10 federal citations that were most frequently issued against nursing facilities in this state during the previous calendar year.

(3) Each member of a nursing home survey team who is a health professional licensed under part I of chapter 464, part X of chapter 468, or chapter 491, shall earn not less than 50 percent of required continuing education credits in geriatric care. Each member of a nursing home survey team who is a health professional licensed under chapter 465 shall earn not less than 30 percent of required continuing education credits in geriatric care.

(4) The agency must ensure that when a deficiency is related to substandard quality of care, a physician with geriatric experience licensed under chapter 458 or chapter 459 or a registered nurse with geriatric experience licensed under chapter 464 participates in the agency's informal dispute-resolution process.

Section 33. Subsections (3) and (4) 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 *personal* 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 ~~quarterly 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 *licensure* ~~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.

(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing 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. 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 limited nursing services shall have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. Facilities that are licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing 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 representing the agency shall visit such facilities at least *twice* ~~once~~ a year to monitor residents who are receiving limited nursing services and to determine

if the facility is in compliance with applicable provisions of this part and with related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that ~~biennially~~ inspects such facility.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 400.428(1)(k), unless the facility is licensed to provide extended congregate care services.

(4)(a) The biennial license fee required of a facility is ~~\$300~~ ~~\$240~~ per license, with an additional fee of ~~\$50~~ ~~\$30~~ per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. 409.212. The total fee may not exceed \$10,000, no part of which shall be returned to the facility. The agency shall adjust the per bed license fee and the total licensure fee annually by not more than the change in the consumer price index based on the 12 months immediately preceding the increase.

(b) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide extended congregate care services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be \$400 per license, *with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility.* No part of *this fee* ~~which~~ shall be returned to the facility. The agency may adjust the *per-bed license fee* and the annual license fee once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be ~~\$250~~ ~~\$200~~ per license, with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility. ~~The total biennial fee may not exceed \$2,000.~~ No part of *this fee* ~~which~~ shall be returned to the facility. The agency may adjust the *per-bed license fee* and the ~~\$200~~ biennial license fee and the ~~maximum total license fee~~ once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

Section 34. Paragraph (n) is added to subsection (1) of section 400.414, Florida Statutes, and subsection (8) is added to that section, 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:

(n) *Any act constituting a ground upon which application for a license may be denied.*

Administrative proceedings challenging agency action under this subsection shall be reviewed on the basis of the facts and conditions that resulted in the agency action.

(8) *The agency may issue a temporary license pending final disposition of a proceeding involving the suspension or revocation of an assisted living facility license.*

Section 35. Section 400.419, Florida Statutes, is amended to read:

400.419 Violations; administrative fines.—

(1) Each violation of this part and adopted rules shall be classified according to the nature of the violation and the gravity of its probable effect on facility residents. The agency shall indicate the classification on the written notice of the violation as follows:

(a) Class "I" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction. A class I violation is subject to an administrative fine in an amount not less than \$5,000 ~~\$1,000~~ and not exceeding \$10,000 for each violation. A fine may be levied notwithstanding the correction of the violation.

(b) Class "II" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the facility residents, other than class I violations. A class II violation is subject to an administrative fine in an amount not less than \$1,000 ~~\$500~~ and not exceeding \$5,000 for each violation. A citation for a class II violation *must shall* specify the time within which the violation is required to be corrected. ~~If a class II violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.~~

(c) Class "III" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of facility residents, other than class I or class II violations. A class III violation is subject to an administrative fine of not less than \$500 ~~\$100~~ and not exceeding \$1,000 for each violation. A citation for a class III violation *must shall* specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.

(d) Class "IV" violations are those conditions or occurrences related to the operation and maintenance of a building or to required reports, forms, or documents that do not have the potential of negatively affecting residents. These violations are of a type that the agency determines do not threaten the health, safety, or security of residents of the facility. A facility that does not correct a class IV violation within the time specified in the agency-approved corrective action plan is subject to an administrative fine of not less than \$100 ~~\$50~~ nor more than \$200 for each violation. Any class IV violation that is corrected during the time an agency survey is being conducted will be identified as an agency finding and not as a violation.

~~(2) The agency may set and levy a fine not to exceed \$1,000 for each violation which cannot be classified according to subsection (1). Such fines in the aggregate may not exceed \$10,000 per survey.~~

~~(2)(3)~~ In determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

(b) Actions taken by the owner or administrator to correct violations.

(c) Any previous violations.

(d) The financial benefit to the facility of committing or continuing the violation.

(e) The licensed capacity of the facility.

(3)(4) Each day of continuing violation after the date fixed for termination of the violation, as ordered by the agency, constitutes an additional, separate, and distinct violation.

(4)(5) Any action taken to correct a violation shall be documented in writing by the owner or administrator of the facility and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated facility, revoke or deny a

facility's license when a facility administrator fraudulently misrepresents action taken to correct a violation.

~~(5)(6)~~ For fines that are upheld following administrative or judicial review, the violator shall pay the fine, plus interest at the rate as specified in s. 55.03, for each day beyond the date set by the agency for payment of the fine.

~~(6)(7)~~ Any unlicensed facility that continues to operate after agency notification is subject to a \$1,000 fine *per day*. ~~Each day beyond 5 working days after agency notification constitutes a separate violation, and the facility is subject to a fine of \$500 per day.~~

~~(7)(8)~~ Any licensed facility whose owner or administrator concurrently operates an unlicensed facility shall be subject to an administrative fine of \$5,000 *per day*. ~~Each day that the unlicensed facility continues to operate beyond 5 working days after agency notification constitutes a separate violation, and the licensed facility shall be subject to a fine of \$500 per day retroactive to the date of agency notification.~~

~~(8)(9)~~ Any facility whose owner fails to apply for a change-of-ownership license in accordance with s. 400.412 and operates the facility under the new ownership is subject to a fine of ~~not to exceed~~ \$5,000.

~~(9)(10)~~ In addition to any administrative fines imposed, the agency may assess a survey fee, equal to the lesser of one half of the facility's biennial license and bed fee or \$500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or monitoring visits conducted under s. 400.428(3)(c) to verify the correction of the violations.

~~(10)(11)~~ The agency, as an alternative to or in conjunction with an administrative action against a facility for violations of this part and adopted rules, shall make a reasonable attempt to discuss each violation and recommended corrective action with the owner or administrator of the facility, prior to written notification. The agency, instead of fixing a period within which the facility shall enter into compliance with standards, may request a plan of corrective action from the facility which demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the agency.

~~(11)(12)~~ Administrative fines paid by any facility under this section shall be deposited into the Health Care Trust Fund and expended as provided in s. 400.418.

~~(12)(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 Florida Statewide Advocacy Council, and the state and local 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 36. Section 400.423, Florida Statutes, is created to read:

400.423 Internal risk management and quality assurance program; adverse incidents and reporting requirements.—

(1) Every facility licensed under this part may, as part of its administrative functions, voluntarily establish a risk management and quality assurance program, the purpose of which is to assess resident care practices, facility incident reports, deficiencies cited by the agency, adverse incident reports, and resident grievances and develop plans of action to correct and respond quickly to identify quality differences.

(2) Every facility licensed under this part is required to maintain adverse incident reports. For purposes of this section, the term, "adverse incident" means:

(a) An event over which facility personnel could exercise control rather than as a result of the resident's condition and results in:

1. Death;
2. Brain or spinal damage;
3. Permanent disfigurement;
4. Fracture or dislocation of bones or joints;

5. Any condition that required medical attention to which the resident has not given his or her consent, including failure to honor advanced directives;

6. Any condition that requires the transfer of the resident from the facility to a unit providing more acute care due to the incident rather than the resident's condition before the incident.

- (b) Abuse, neglect, or exploitation as defined in s. 415.102;
- (c) Events reported to law enforcement; or
- (d) Elopement.

(3) Licensed facilities shall provide within 1 business day after the occurrence of an adverse incident, by electronic mail, facsimile, or United States mail, a preliminary report to the agency on all adverse incidents specified under this section. The report must include information regarding the identity of the affected resident, the type of adverse incident, and the status of the facility's investigation of the incident.

(4) Licensed facilities shall provide within 15 days, by electronic mail, facsimile, or United States mail, a full report to the agency on all adverse incidents specified in this section. The report must include the results of the facility's investigation into the adverse incident.

(5) Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

(6) The agency shall annually submit to the Legislature a report on assisted living facility adverse incident reports. The report must include the following information arranged by county:

- (a) A total number of adverse incidents;
- (b) A listing, by category, of the type of adverse incidents occurring within each category and the type of staff involved;
- (c) A listing, by category, of the types of injuries, if any, and the number of injuries occurring within each category;
- (d) Types of liability claims filed based on an adverse incident report or reportable injury; and
- (e) Disciplinary action taken against staff, categorized by the type of staff involved.

(7) The information reported to the agency pursuant to subsection (3) which relates to persons licensed under chapter 458, chapter 459, chapter 461, chapter 464, or chapter 465 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply.

(8) If the agency, through its receipt of the adverse incident reports prescribed in this part or through any investigation, has reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate board, the agency shall report this fact to such regulatory board.

(9) The adverse incident reports and preliminary adverse incident reports required under this section are confidential as provided by law and are not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or appropriate regulatory board.

(10) The Department of Elderly Affairs may adopt rules necessary to administer this section.

Section 37. Present subsections (7), (8), (9), (10), and (11) of section 400.426, Florida Statutes, are redesignated as subsections (8), (9), (10), (11), and (12), respectively, and a new subsection (7) is added to that section, to read:

400.426 Appropriateness of placements; examinations of residents.—

(7) The facility must notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

Section 38. Paragraph (k) of subsection (1) of section 400.428, Florida Statutes, is amended to read:

400.428 Resident bill of rights.—

(1) No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to:

(k) At least 45 ~~30~~ days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally incapacitated, the guardian shall be given at least 45 ~~30~~ days' notice of a nonemergency relocation or residency termination. Reasons for relocation shall be set forth in writing. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.

Section 39. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.429, Florida Statutes, is amended to read:

400.429 Civil actions to enforce rights.—

(1) Any person or resident whose rights as specified in this part are violated shall have a cause of action ~~against any facility owner, administrator, or staff responsible for the violation.~~ The action may be brought by the resident or his or her guardian, or by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident ~~regardless of the cause of death when the cause of death resulted from a violation of the decedent's rights, to enforce such rights.~~ If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual damages, and punitive damages for violation of the rights of a resident or negligence ~~when malicious, wanton, or willful disregard of the rights of others can be shown.~~ Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action and a

reasonable attorney's fee assessed against the defendant not to exceed \$25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.429-400.4303 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a resident arising out of negligence or a violation of rights specified in s. 400.428. This section does not preclude theories of recovery not arising out of negligence or s. 400.428 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.429-400.4303. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident or to the agency.

(2) In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:

- (a) The defendant owed a duty to the resident;
- (b) The defendant breached the duty to the resident;
- (c) The breach of the duty is a legal cause of loss, injury, death, or damage to the resident; and
- (d) The resident sustained loss, injury, death, or damage as a result of the breach.

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.428 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

(3) In any claim brought pursuant to s. 400.429, a licensee, person, or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person, or entity would use under like circumstances.

(4) In any claim for resident's rights violation or negligence by a nurse licensed under part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses. To recover attorney's fees under this section, the following conditions precedent must be met:

(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.

1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:

a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.

b. Set a date for mediation.

c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.

2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.

3. The mediation shall be conducted in the following manner:

a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.

b. Each party shall mediate in good faith.

4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.

(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.

(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.

(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.

(5)(3) Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(6)(4) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.

(7) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.

Section 40. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4293, Florida Statutes, is created to read:

400.4293 Presuit notice; investigation; notification of violation of residents' rights or alleged negligence; claims evaluation procedure; informal discovery; review.—

(1) As used in this section, the term:

(a) "Claim for residents' rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.428 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, joint underwriting association, or uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.428 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident

which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;
2. Internal review by counsel for each prospective defendant;
3. A quality assurance committee authorized under any applicable state or federal statutes or regulations; or
4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or
2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things, as follows:

(a) Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be

examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 41. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4294, Florida Statutes, is created to read:

400.4294 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records, including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility within 10 days, in accordance with the provisions of s. 400.145, shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the good-faith certificate and presuit notice requirements under this part by the requesting party.

(2) No facility shall be held liable for any civil damages as a result of complying with this section.

Section 42. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4295, Florida Statutes, is created to read:

400.4295 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 43. Effective May 15, 2001, section 400.4296, Florida Statutes, is created to read:

400.4296 Statute of limitations.—

(1) Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the

action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.

(2) In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event not more than 6 years from the date the incident giving rise to the injury occurred.

(3) This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event more than 4 years from the effective date of this section.

Section 44. Section 400.4297, Florida Statutes, is created to read:

400.4297 *Punitive damages; pleading; burden of proof.*—

(1) In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) “Intentional misconduct” means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) “Gross negligence” means that the defendant’s conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The “greater weight of the evidence” burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 45. Section 400.4298, Florida Statutes, is created to read:

400.4298 *Punitive damages; limitation.*—

(1)(a) Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:

1. Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$1 million.

(b) Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:

1. Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$4 million.

(c) Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant’s conduct did in fact harm the claimant, there shall be no cap on punitive damages.

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant’s attorney’s fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney’s fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.

(b) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the Quality of Long-Term Care Facility

Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(c) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.

(d) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 46. 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 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. *Data collected by the state or local long-term care ombudsman councils or the state or local advocacy councils may be used by the agency in investigations involving violations of regulatory standards.*

Section 47. Paragraph (h) of subsection (1) and subsection (4) of section 400.441, Florida Statutes, are amended to read:

400.441 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of

Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(h) The care and maintenance of residents, which must include, but is not limited to:

1. The supervision of residents;
2. The provision of personal services;
3. The provision of, or arrangement for, social and leisure activities;
4. The arrangement for appointments and transportation to appropriate medical, dental, nursing, or mental health services, as needed by residents;
5. The management of medication;
6. The nutritional needs of residents; ~~and~~
7. Resident records; ~~and~~
8. *Internal risk management and quality assurance.*

(4) The agency may use an abbreviated biennial *standard licensure inspection that which* consists of a review of key quality-of-care standards in lieu of a full inspection in facilities which have a good record of past performance. However, a full inspection shall be conducted in facilities which have had a history of class I or class II violations, uncorrected class III violations, confirmed ombudsman council complaints, or confirmed licensure complaints, within the previous licensure period immediately preceding the inspection or when a potentially serious problem is identified during the abbreviated inspection. The agency, in consultation with the department, shall develop the key quality-of-care standards with input from the State Long-Term Care Ombudsman Council and representatives of provider groups for incorporation into its rules. ~~Beginning on or before March 1, 1991,~~ The department, in consultation with the agency, shall report annually to the Legislature concerning its implementation of this subsection. The report shall include, at a minimum, the key quality-of-care standards which have been developed; the number of facilities identified as being eligible for the abbreviated inspection; the number of facilities which have received the abbreviated inspection and, of those, the number that were converted to full inspection; the number and type of subsequent complaints received by the agency or department on facilities which have had abbreviated inspections; any recommendations for modification to this subsection; any plans by the agency to modify its implementation of this subsection; and any other information which the department believes should be reported.

Section 48. Section 400.449, Florida Statutes, is created to read:

400.449 *Resident records; penalties for alteration.—*

(1) *Any person who fraudulently alters, defaces, or falsifies any medical or other record of an assisted living facility, or causes or procures any such offense to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(2) *A conviction under subsection (1) is also grounds for restriction, suspension, or termination of license privileges.*

Section 49. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended and subsection (22) is added to that section, 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.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. *Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.*

2. *The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.*

3. *The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.*

4. *All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.*

5. *On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.*

6. Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall apply only to fiscal year 2000-2001 and shall be implemented to the extent existing appropriations are available. ~~The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to which these costs are not being compensated by the Medicaid program.~~

~~Medicaid-participating nursing homes shall be required to report to the agency information necessary to compile this report. Effective no earlier than the rate setting period beginning April 1, 1999, the agency shall establish a case mix reimbursement methodology for the rate of payment for long term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level of care data and other appropriate data. The case mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology.~~

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(22) *The agency shall request and implement Medicaid waivers from the federal Health Care Financing Administration to advance and treat a portion of the Medicaid nursing home per diem as capital for creating and operating a risk-retention group for self-insurance purposes, consistent with federal and state laws and rules.*

Section 50. Section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board 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, 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.

(b) Has 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 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.

(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 shall adopt rules to provide for the initial certification of certified nursing assistants.

(5) *Certification as a nursing assistant, in accordance with this part, continues in effect until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.*

(6)(5) A certified nursing assistant shall maintain a current address with the board in accordance with s. 456.035.

(7) *A certified nursing assistant shall complete 18 hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.0285(2)(b), shall propose rules to implement this subsection.*

Section 51. Subsection (2) of section 397.405, Florida Statutes, is amended to read:

397.405 Exemptions from licensure.—The following are exempt from the licensing provisions of this chapter:

(2) A nursing home facility as defined in s. 400.021 s. ~~400.021(12)~~.

The exemptions from licensure in this section do not apply to any facility or entity which receives an appropriation, grant, or contract from the state to operate as a service provider as defined in this chapter or to any substance abuse program regulated pursuant to s. 397.406. No provision of this chapter shall be construed to limit the practice of a physician licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a psychotherapist licensed under chapter 491, providing outpatient or inpatient substance abuse treatment to a voluntary patient, so long as the physician, psychologist, or psychotherapist does not represent to the public that he or she is a licensed service provider under this act. Failure to comply with any requirement necessary to maintain an exempt status under this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. *Notwithstanding the establishment of need as provided for in chapter 408, Florida Statutes, no certificate of need for additional community nursing home beds shall be approved by the agency until July 1, 2006. The Legislature finds that the continued growth in the Medicaid budget for nursing home care has constrained the ability of the state to meet the needs of its elderly residents through the use of less restrictive and less institutional methods of long-term care. It is therefore the intent of the Legislature to limit the increase in Medicaid nursing home expenditures in order to provide funds to invest in long-term care that is community-based and provides supportive services in a manner that is both more cost-effective and more in keeping with the wishes of the elderly residents of this state. This moratorium on certificates of need shall not apply to sheltered nursing home beds in a continuing care retirement community certified by the Department of Insurance pursuant to chapter 651, Florida Statutes.*

Section 53. Subsections (3) and (8) of section 400.0255, Florida Statutes, as amended by section 138 of chapter 2000-349, section 3 of chapter 2000-350, and section 58 of chapter 2000-367, Laws of Florida, are reenacted to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(3) When a discharge or transfer is initiated by the nursing home, the nursing home administrator employed by the nursing home that is discharging or transferring the resident, or an individual employed by the nursing home who is designated by the nursing home administrator to act on behalf of the administration, must sign the notice of discharge or transfer. Any notice indicating a medical reason for transfer or discharge must either be signed by the resident's attending physician or the medical director of the facility, or include an attached written order for the discharge or transfer. The notice or the order must be signed by the resident's physician, medical director, treating physician, nurse practitioner, or physician assistant.

(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 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 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 ombudsman council within 5 business days after signature by the resident or resident designee.

Section 54. Subsection (5) of section 400.23, Florida Statutes, as amended by section 6 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(5) The agency, in collaboration with the Division of Children's Medical Services of the Department of Health, must, no later than December 31, 1993, adopt rules for minimum standards of care for persons under 21 years of age who reside in nursing home facilities. The rules must include a methodology for reviewing a nursing home facility under ss. 408.031-408.045 which serves only persons under 21 years of age. A facility may be exempt from these standards for specific persons between 18 and 21 years of age, if the person's physician agrees that minimum standards of care based on age are not necessary.

Section 55. Subsection (2) of section 400.191, Florida Statutes, as amended by section 5 of chapter 2000-350, Laws of Florida, and subsection (6) of that section, as created by section 5 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.191 Availability, distribution, and posting of reports and records.—

(2) The agency shall provide additional information in consumer-friendly printed and electronic formats to assist consumers and their families in comparing and evaluating nursing home facilities.

(a) The agency shall provide an Internet site which shall include at least the following information either directly or indirectly through a link to another established site or sites of the agency's choosing:

1. A list by name and address of all nursing home facilities in this state.

2. Whether such nursing home facilities are proprietary or nonproprietary.

3. The current owner of the facility's license and the year that that entity became the owner of the license.
 4. The name of the owner or owners of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.
 5. The total number of beds in each facility.
 6. The number of private and semiprivate rooms in each facility.
 7. The religious affiliation, if any, of each facility.
 8. The languages spoken by the administrator and staff of each facility.
 9. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.
 10. Recreational and other programs available at each facility.
 11. Special care units or programs offered at each facility.
 12. Whether the facility is a part of a retirement community that offers other services pursuant to part III, part IV, or part V.
 13. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.
 14. Survey and deficiency information contained on the Online Survey Certification and Reporting (OSCAR) system of the federal Health Care Financing Administration, including annual survey, revisit, and complaint survey information, for each facility for the past 45 months. For noncertified nursing homes, state survey and deficiency information, including annual survey, revisit, and complaint survey information for the past 45 months shall be provided.
 15. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility of annual, revisit, and complaint surveys; the severity and scope of the citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score, rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.
- (b) The agency shall provide the following information in printed form:
1. A list by name and address of all nursing home facilities in this state.
 2. Whether such nursing home facilities are proprietary or nonproprietary.
 3. The current owner or owners of the facility's license and the year that entity became the owner of the license.
 4. The total number of beds, and of private and semiprivate rooms, in each facility.
 5. The religious affiliation, if any, of each facility.
 6. The name of the owner of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.
 7. The languages spoken by the administrator and staff of each facility.
 8. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.
 9. Recreational programs, special care units, and other programs available at each facility.
 10. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.
 11. The Internet address for the site where more detailed information can be seen.
 12. A statement advising consumers that each facility will have its own policies and procedures related to protecting resident property.
 13. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility on annual, revisit, and complaint surveys; the severity and scope of the citations; the number of citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score, rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.
- (c) For purposes of this subsection, references to the Online Survey Certification and Reporting (OSCAR) system shall refer to any future system that the Health Care Financing Administration develops to replace the current OSCAR system.
- (d) The agency may provide the following additional information on an Internet site or in printed form as the information becomes available:
1. The licensure status history of each facility.
 2. The rating history of each facility.
 3. The regulatory history of each facility, which may include federal sanctions, state sanctions, federal fines, state fines, and other actions.
 4. Whether the facility currently possesses the Gold Seal designation awarded pursuant to s. 400.235.
 5. Internet links to the Internet sites of the facilities or their affiliates.
- (6) The agency may adopt rules as necessary to administer this section.
- Section 56. Section 400.0225, Florida Statutes, as amended by section 2 of chapter 2000-350, Laws of Florida, is reenacted to read:
- 400.0225 Consumer satisfaction surveys.—The agency, or its contractor, in consultation with the nursing home industry and consumer representatives, shall develop an easy-to-use consumer satisfaction survey, shall ensure that every nursing facility licensed pursuant to this part participates in assessing consumer satisfaction, and shall establish procedures to ensure that, at least annually, a representative sample of residents of each facility is selected to participate in the survey. The sample shall be of sufficient size to allow comparisons between and among facilities. Family members, guardians, or other resident designees may assist the resident in completing the survey. Employees and volunteers of the nursing facility or of a corporation or business entity with an ownership interest in the facility are prohibited from assisting a resident with or attempting to influence a resident's responses to the consumer satisfaction survey. The agency, or its contractor, shall survey family members, guardians, or other resident designees. The agency, or its contractor, shall specify the protocol for conducting and reporting the consumer satisfaction surveys. Reports of consumer satisfaction surveys shall protect the identity of individual respondents. The agency shall contract for consumer satisfaction surveys and report the results of those surveys in the consumer information materials prepared and distributed by the agency. The agency may adopt rules as necessary to administer this section.
- Section 57. Subsections (4) and (5) of section 400.141, Florida Statutes, as renumbered and amended by section 4 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(4) Provide for resident use of a community pharmacy as specified in s. 400.022(1)(q). Any other law to the contrary notwithstanding, a registered pharmacist licensed in Florida, that is under contract with a facility licensed under this chapter, shall repackage a nursing facility resident's bulk prescription medication which has been packaged by another pharmacist licensed in any state in the United States into a unit dose system compatible with the system used by the nursing facility, if the pharmacist is requested to offer such service. To be eligible for repackaging, a resident or the resident's spouse must receive prescription medication benefits provided through a former employer as part of his or her retirement benefits a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. s. 831, or a long-term care policy as defined in s. 627.9404(1). A pharmacist who correctly repackages and relabels the medication and the nursing facility which correctly administers such repackaged medication under the provisions of this subsection shall not be held liable in any civil or administrative action arising from the repackaging. In order to be eligible for the repackaging, a nursing facility resident for whom the medication is to be repackaged shall sign an informed consent form provided by the facility which includes an explanation of the repackaging process and which notifies the resident of the immunities from liability provided herein. A pharmacist who repackages and relabels prescription medications, as authorized under this subsection, may charge a reasonable fee for costs resulting from the implementation of this provision.

(5) Provide for the access of the facility residents to dental and other health-related services, recreational services, rehabilitative services, and social work services appropriate to their needs and conditions and not directly furnished by the licensee. When a geriatric outpatient nurse clinic is conducted in accordance with rules adopted by the agency, outpatients attending such clinic shall not be counted as part of the general resident population of the nursing home facility, nor shall the nursing staff of the geriatric outpatient clinic be counted as part of the nursing staff of the facility, until the outpatient clinic load exceeds 15 a day.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 58. Paragraph (a) of subsection (3) and subsection (4) of section 400.235, Florida Statutes, as amended by section 12 of chapter 2000-305 and section 7 of chapter 2000-350, Laws of Florida, and subsection (9) of section 400.235, Florida Statutes, as created by section 7 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(3)(a) The Gold Seal Program shall be developed and implemented by the Governor's Panel on Excellence in Long-Term Care which shall operate under the authority of the Executive Office of the Governor. The panel shall be composed of three persons appointed by the Governor, to include a consumer advocate for senior citizens and two persons with expertise in the fields of quality management, service delivery excellence, or public sector accountability; three persons appointed by the Secretary of Elderly Affairs, to include an active member of a nursing facility family and resident care council and a member of the University Consortium on Aging; the State Long-Term Care Ombudsman; one person appointed by the Florida Life Care Residents Association; one person appointed by the Secretary of Health; two persons appointed by the Secretary of Health Care Administration; one person appointed by the Florida Association of Homes for the Aging; and one person appointed by the Florida Health Care Association. Vacancies on the panel shall be filled in the same manner as the original appointments.

(4) The panel shall consider the quality of care provided to residents when evaluating a facility for the Gold Seal Program. The panel shall

determine the procedure or procedures for measuring the quality of care.

(9) The agency may adopt rules as necessary to administer this section.

Section 59. Subsection (1) of section 400.962, Florida Statutes, as amended by section 8 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.962 License required; license application.—

(1) It is unlawful to operate an intermediate care facility for the developmentally disabled without a license.

Section 60. Section 10 of chapter 2000-350, Laws of Florida, is reenacted to read:

Section 10. The Board of Pharmacy, in cooperation with the Agency for Health Care Administration, shall undertake a study of the feasibility, efficiency, cost-effectiveness, and safety of using automated medication dispensing machines in nursing facilities. The board and the agency may authorize the establishment of demonstration projects in up to five nursing facilities with a class I institutional pharmacy as part of the study. Demonstration projects may be allowed to continue for up to 12 months. A report summarizing the results of the study shall be submitted by the board and the agency to the Speaker of the House of Representatives and the President of the Senate by January 1, 2001. If the study determines that such dispensing machines would benefit residents of nursing facilities and should be allowed, the report shall identify those specific statutory changes necessary to allow nursing facilities to use automated medication dispensing machines.

Section 61. Paragraph (g) is added to subsection (1) of section 400.562, Florida Statutes, to read:

400.562 Rules establishing standards.—

(1) The Department of Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having statewide effect. Such standards must relate to:

(g) *Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs.*

Section 62. *Notwithstanding any other provision of this act to the contrary, sections 400.0237, 400.0238, 400.4297, 400.4298, Florida Statutes, as created by this act, and section 768.735, Florida Statutes, as amended by this act, shall become effective May 15, 2001; shall apply to causes of action accruing on or after May 15, 2001; and shall be applied retroactively to causes of action accruing before May 15, 2001, for which no case has been filed prior to October 5, 2001.*

Section 63. *The Agency for Health Care Administration shall develop by October 31, 2001, a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports. The Auditor General shall approve the standard chart of accounts developed by the Agency for Health Care Administration not later than December 31, 2001. The agency shall amend the Florida Title XIX Long-Term Care Reimbursement Plan to incorporate this standard chart of accounts and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002. The standard chart of accounts shall include specific accounts for each component of direct care staff by type of personnel and may not be revised without the written consent of the Auditor General.*

Section 64. *The Agency for Health Care Administration shall amend the Medicaid Title XIX Long-Term Care Reimbursement Plan effective December 31, 2001, to include the following provisions:*

(1) *Effective with nursing facility cost reports filed for periods ending on or after December 31, 2002, the cost report shall contain detailed*

information on the salary, benefits, agency, and overtime costs and corresponding hours for direct care staffing for registered nurses, licensed practical nurses, and certified nursing assistants.

(2) Effective for cost reports filed for periods ending on or after December 31, 2003, the cost reports shall be submitted electronically in a format and manner prescribed by the agency.

Section 65. *The Office of State Long-Term Care Ombudsman shall be responsible for the cost of leasing its own office space, but shall not be colocated with the headquarters office of the Department of Elderly Affairs.*

Section 66. *The Agency for Health Care Administration shall not take any administrative action to enforce the requirement that nursing home facilities and assisted living facilities maintain liability insurance until after January 1, 2002.*

Section 67. *The sum of \$5,602,460 is appropriated from the Health Care Trust Fund to the Agency for Health Care Administration and 79 positions are authorized for the purpose of implementing the provisions of this act during the 2001-2002 fiscal year.*

Section 68. *The sum of \$948,782 is appropriated from the General Revenue Fund to the Department of Elderly Affairs for the purpose of paying the salaries and other administrative expenses of the Office of State Long-Term Care Ombudsman to carry out the provisions of this act during the 2001-2002 fiscal year.*

Section 69. *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 70. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 129, line 15, through page 139, line 28, delete those lines

and insert: A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued

actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; providing for a division of punitive damages; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; creating s. 400.1183, F.S.; providing for resident grievance procedures; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring liability insurance coverage; requiring daily charting of specified certified nursing assistant services; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; amending s. 400.19, F.S.; requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring inservice training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change

in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents and of liability claims; requiring reporting of liability claims; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.428, F.S.; revising requirement for notice of a resident's relocation or termination from a facility; providing a penalty; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring copies of complaints filed in court to be provided to the agency; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; providing for a division of punitive damages; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.441, F.S.; clarifying facility inspection requirements; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; authorizing waivers to treat a portion of the Medicaid nursing home per diem as capital for a risk-retention group; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to

changes made by the act; prohibiting the issuance of a certificate of need for additional community nursing home beds; providing intent for such prohibition; providing an exemption; reenacting s. 400.0255(3) and (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2) and (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4) and (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), and (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. XI of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.; providing for applicability of specified provisions of the act; requiring the Auditor General to develop a standard chart of accounts for Medicaid long-term care provider cost reporting; requiring implementation by the agency by a specified date; requiring the agency to amend the Medicaid Title XIX Long-Term Care Reimbursement Plan to include specified provisions; providing for office space for the Office of State Long-Term Care Ombudsman; prohibiting enforcement of provisions relating to a requirements for liability insurance until a specified date; providing appropriations; providing for severability; providing effective dates.

REPRESENTATIVE BALL IN THE CHAIR

Rep. Green moved that the House concur in Senate Amendment 1 to House Amendment 1.

Motion

Rep. Simmons moved the previous question on the motion to concur in Senate Amendment 1 to House Amendment 1, which was agreed to.

The question recurred on the motion by Rep. Green to concur in Senate Amendment 1 to House Amendment 1, which was agreed to.

The question recurred on the passage of CS for CS for CS for SB 1202. The vote was:

Session Vote Sequence: 550

Yeas—109

The Chair	Cantens	Harrington	Mahon
Alexander	Carassas	Hart	Mayfield
Allen	Clarke	Henriquez	Maygarden
Andrews	Crow	Hogan	McGriff
Arza	Cusack	Holloway	Meadows
Attkisson	Davis	Jennings	Mealor
Atwater	Detert	Johnson	Melvin
Ausley	Diaz-Balart	Jordan	Miller
Baker	Dockery	Joyner	Murman
Barreiro	Farkas	Justice	Needelman
Baxley	Fasano	Kallinger	Negron
Bean	Feeney	Kendrick	Paul
Bendross-Mindingall	Fields	Kilmer	Peterman
Bennett	Flanagan	Kosmas	Pickens
Bense	Gannon	Kottkamp	Prieguez
Benson	Garcia	Kravitz	Rich
Berfield	Gardiner	Kyle	Richardson
Betancourt	Gibson	Lacasa	Ritter
Bilirakis	Goodlette	Lee	Romeo
Bowen	Green	Lerner	Ross
Brummer	Greenstein	Littlefield	Rubio
Brutus	Haridopolos	Lynn	Russell
Bullard	Harper	Machek	Ryan
Byrd	Harrell	Mack	Seiler

Simmons	Sorensen	Trovillion	Wiles
Siplin	Spratt	Wallace	Wilson
Slosberg	Stansel	Weissman	Wishner
Smith			

Nays—8

Argenziano	Diaz de la Portilla	Gelber	Heyman
Bucher	Frankel	Gottlieb	Sobel

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

Explanation of Vote

I voted in opposition of CS/CS/CS/SB 1202 because of the limits on punitive damages and the exemption from vicarious liability for nursing home facilities and assisted living facilities found in sections 8-12 and 43-44. The cap on punitive damages shields nursing homes and assisted living facilities from full accountability for their worst conduct. The exemption from vicarious liability prevents the resident and their family from holding the facilities accountable for the wrongful acts of its employees. These provisions are unfair and provide no guarantee that they could lead to availability of reasonably priced liability insurance for long-term care facilities.

There are other provisions in this bill that I support. Those provisions include an eventual increase in the minimum staffing requirements for direct care staff, the strengthening of AHCA's regulatory authority by increasing the number of nursing home inspections, an increase in the fines for violation of AHCA's requirements, and licensure requirements for the nursing homes and assisted living facilities. However the delay of the effective date of the staffing requirements weakened this bill considerably.

I sponsored Amendment #953807, which was offered but not considered. That amendment would have provided much stronger and quicker protections for nursing home patients as well as reasonable litigation reform.

Rep. Lois J. Frankel
District 85

On motion by Rep. Greenstein, the House moved to the consideration of CS for SB 350.

Bills and Joint Resolutions on Third Reading

THE SPEAKER IN THE CHAIR

CS for SB 350—A bill to be entitled An act relating to individual development accounts; providing purposes; providing definitions; requiring the Department of Children and Family Services to amend the Temporary Assistance for Needy Families State Plan to provide for use of funds for individual development accounts; specifying criteria and requirements for contributions to such accounts; specifying purposes for use of such accounts; providing for procedures for withdrawals from such accounts; specifying certain organizations to act as fiduciary organizations for certain purposes; providing for controlling the withdrawal of funds for uses other than qualified purposes; providing for resolution of certain disputes; providing for transfer of ownership of such accounts under certain circumstances; providing for establishment of such accounts by certain financial institutions under certain circumstances; providing requirements; providing that account funds and matching funds do not affect certain program eligibility; providing for rules; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 551

Yeas—104

The Chair	Allen	Argenziano	Atwater
Alexander	Andrews	Attkisson	Ausley

Baker	Diaz-Balart	Kallinger	Paul
Barreiro	Farkas	Kendrick	Peterman
Baxley	Fasano	Kilmer	Pickens
Bean	Fields	Kosmas	Prieguez
Bendross-Mindingall	Flanagan	Kottkamp	Rich
Bennett	Frankel	Kravitz	Ritter
Benson	Garcia	Kyle	Romeo
Berfield	Gardiner	Lacasa	Ross
Betancourt	Gibson	Lee	Rubio
Bilirakis	Goodlette	Lerner	Ryan
Bowen	Gottlieb	Littlefield	Seiler
Brummer	Green	Lynn	Simmons
Brutus	Greenstein	Machek	Siplin
Bucher	Haridopolos	Mack	Slosberg
Bullard	Harper	Mahon	Smith
Byrd	Harrell	Mayfield	Sobel
Cantens	Harrington	Maygarden	Sorensen
Carassas	Henriquez	McGriff	Spratt
Clarke	Hogan	Meadows	Stansel
Crow	Holloway	Mealor	Trovillion
Cusack	Jennings	Melvin	Wallace
Davis	Johnson	Murman	Waters
Detert	Jordan	Needelman	Wilson
Diaz de la Portilla	Justice	Negron	Wishner

Nays—1

Arza

Votes after roll call:

Yeas—Ball, Bense, Gannon, Gelber, Hart, Heyman, Joyner, Miller, Russell, Wiles

So the bill passed and was immediately certified to the Senate.

Consideration of SB 1412

SB 1412—A bill to be entitled An act relating to child restraint requirements; creating the Child Safety Booster Seat Act of 2001; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing for a phase-in period; providing effective dates.

On motion by Rep. Allen, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 552

Yeas—107

The Chair	Byrd	Haridopolos	Machek
Allen	Cantens	Harper	Mack
Andrews	Clarke	Harrell	Mahon
Argenziano	Crow	Harrington	Mayfield
Arza	Cusack	Henriquez	Maygarden
Attkisson	Davis	Heyman	McGriff
Atwater	Detert	Hogan	Meadows
Ausley	Diaz de la Portilla	Holloway	Mealor
Baker	Diaz-Balart	Jennings	Melvin
Ball	Dockery	Johnson	Miller
Baxley	Farkas	Jordan	Murman
Bean	Fasano	Joyner	Needelman
Bendross-Mindingall	Fields	Justice	Negron
Bennett	Flanagan	Kallinger	Peterman
Bense	Frankel	Kilmer	Pickens
Benson	Gannon	Kosmas	Prieguez
Berfield	Garcia	Kottkamp	Rich
Betancourt	Gardiner	Kravitz	Richardson
Bilirakis	Gelber	Lacasa	Ritter
Brummer	Gibson	Lee	Romeo
Brutus	Gottlieb	Lerner	Ross
Bucher	Green	Littlefield	Rubio
Bullard	Greenstein	Lynn	Ryan

Seiler	Smith	Trovillion	Wiles
Simmons	Sobel	Wallace	Wilson
Siplin	Sorensen	Waters	Wishner
Slosberg	Spratt	Weissman	

Nays—8

Alexander	Goodlette	Kendrick	Paul
Bowen	Hart	Kyle	Stansel

Votes after roll call:

Yeas to Nays—Argenziano

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Byrd, the rules were waived and the House moved to the consideration of CS/HB 367.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 367, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 367—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; amending s. 112.3145, F.S.; specifying members of certain judicial nominating commissions as state officers; providing severability; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 43.291, Florida Statutes, is created to read:

43.291 Judicial nominating commissions.—

(1) Each judicial nominating commission shall be composed of the following members:

(a) Four members of The Florida Bar, appointed by the Governor, who are engaged in the practice of law, each of whom is a resident of the territorial jurisdiction served by the commission to which the member is appointed. The Board of Governors of The Florida Bar shall submit to the Governor three recommended nominees for each position. The Governor shall select the appointee from the list of nominees recommended for that position, but the Governor may reject all of the nominees recommended for a position and request that the Board of Governors submit a new list of three different recommended nominees for that position who have not been previously recommended by the Board of Governors.

(b) Five members appointed by the Governor, each of whom is a resident of the territorial jurisdiction served by the commission to which the member is appointed, of which at least two are members of The Florida Bar engaged in the practice of law.

(2) A justice or judge may not be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. A member of a judicial nominating commission is not eligible for appointment, during his or her term of office and for a period of 2 years thereafter, to any state judicial office for which that commission has the authority to make nominations. All acts of a judicial nominating commission must be made with a concurrence of a majority of its members.

(3) Notwithstanding any other provision of this section, each current member of a judicial nominating commission appointed directly by the Board of Governors of The Florida Bar shall serve the remainder of his or her term, unless removed for cause. The terms of all other members of a judicial nominating commission are hereby terminated, and the Governor shall appoint new members to each judicial nominating commission in the following manner:

(a) Two appointments for terms ending July 1, 2002, one of which shall be an appointment selected from nominations submitted by the Board of Governors of The Florida Bar pursuant to paragraph (1)(a);

(b) Two appointments for terms ending July 1, 2003; and

(c) Two appointments for terms ending July 1, 2004.

Every subsequent appointment, except an appointment to fill a vacant, unexpired term, shall be for 4 years. Each expired term or vacancy shall be filled by appointment in the same manner as the member whose position is being filled.

(4) In making an appointment, the Governor shall seek to ensure that, to the extent possible, the membership of the commission reflects the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population within the territorial jurisdiction of the court for which nominations will be considered. The Governor shall also consider the adequacy of representation of each county within the judicial circuit.

(5) A member of a judicial nominating commission may be suspended for cause by the Governor pursuant to uniform rules of procedure established by the Executive Office of the Governor consistent with s. 7 of Art. IV of the State Constitution.

(6) A quorum of the judicial nominating commission is necessary to take any action or transact any business. For purposes of this section, a quorum consists of a majority of commission members currently appointed.

(7) The Executive Office of the Governor shall provide all administrative support for each judicial nominating commission. The Executive Office of the Governor shall adopt rules necessary to administer this section.

Section 2. Paragraph (c) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(c) “State officer” means:

1. Any elected public officer, excluding those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents, the Chancellor and Vice Chancellors of the State University System, and the president of a state university.

4. A member of the judicial nominating commission for any district court of appeal or any judicial circuit.

Section 3. Section 43.29, Florida Statutes, is repealed.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; revising the membership of and the procedures governing the appointment of members to each judicial nominating commission; prohibiting justices and judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; requiring the Governor to seek to ensure racial, ethnic, and gender diversity of the membership; requiring consideration of county representation on circuit judicial nominating commissions; providing for suspension of members for cause; prescribing quorum requirements; requiring the Executive Office of the Governor to provide administrative support and to adopt rules; amending s. 112.3145, F.S.; providing that members of judicial nominating commissions are state officers for purposes of financial disclosure requirements; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

On motion by Rep. Brummer, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/HB 367. The vote was:

Session Vote Sequence: 553

Yeas—68

The Chair	Byrd	Harrington	Mealor
Alexander	Cantens	Hart	Melvin
Allen	Carassas	Hogan	Miller
Andrews	Clarke	Johnson	Murman
Arza	Davis	Jordan	Needelman
Attkisson	Detert	Kallinger	Negron
Atwater	Diaz de la Portilla	Kilmer	Paul
Baker	Diaz-Balart	Kottkamp	Pickens
Ball	Farkas	Kravitz	Prieguez
Barreiro	Fasano	Kyle	Rubio
Baxley	Garcia	Lacasa	Russell
Bean	Gardiner	Littlefield	Simmons
Bense	Gibson	Lynn	Sorensen
Benson	Goodlette	Mack	Spratt
Berfield	Green	Mahon	Trovillion
Bilirakis	Haridopolos	Mayfield	Wallace
Brummer	Harrell	Maygarden	Waters

Nays—48

Argenziano	Frankel	Kendrick	Ross
Ausley	Gannon	Kosmas	Ryan
Bendross-Mindingall	Gelber	Lee	Seiler
Bennett	Gottlieb	Lerner	Siplin
Betancourt	Greenstein	Machek	Slosberg
Brutus	Harper	McGriff	Smith
Bucher	Henriquez	Meadows	Sobel
Bullard	Heyman	Peterman	Stansel
Crow	Holloway	Rich	Weissman
Cusack	Jennings	Richardson	Wiles
Dockery	Joyner	Ritter	Wilson
Fields	Justice	Romeo	Wishner

Votes after roll call:

Yeas—Flanagan

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Explanation of Vote

Even with the changes, I still fear that this legislation will blur the lines that separate the judicial branch of government with the executive branch of government. I may be proven wrong, however the risk of unintended consequences far out weigh the potential for good reforms. The current system has worked fine for both Republicans and Democrats. In the spirit of political theorist Baron de Montesquieu, who said “there is no liberty if the power of judging be not separated from the legislative and executive powers,” I cast a no vote on CS/HB 367.

*Rep. Doug Wiles
District 20*

On motion by Rep. Lacasa, the House moved to the consideration of CS for SB 1784.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1784, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Appropriations and Senator Horne—

CS for SB 1784—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; modifying the definition of the term “operating capital outlay”; amending s. 216.013, F.S.; removing the requirement for the Executive Office of the Governor to consider certain findings relating to information technology in its review of long-range program plans of executive agencies; requiring long-range program plans to be consistent with legislation implementing the General Appropriations Act; amending s. 216.023, F.S.; revising requirements of legislative budget requests; requiring legislative budget requests to include an inventory of litigation requiring additional appropriations or changes in the law; providing for update of such inventory; revising requirements of legislative budget requests relating to the total number of positions and to unit-cost data; providing for reducing funding of agencies that do not comply; amending s. 216.0446, F.S.; correcting terminology; amending s. 216.136, F.S.; revising provisions relating to estimating conferences; amending s. 216.177, F.S.; revising the manner in which requests regarding legislative intent on the General Appropriations Act are to be made; revising requirements relating to notice of action on appropriations to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court; amending s. 216.181, F.S.; authorizing the Chief Justice to amend, without approval of the Legislative Budget Commission, judicial branch entity budgets to reflect transferred funds based on the approved plans for lump-sum appropriations; requiring approval of the Legislative Budget Commission for certain adjustments to approved salary rate; providing circumstances under which lump-sum bonuses may be provided; requiring quarterly reporting of positions filled, positions vacant, and the salary rate associated with each category; granting the Legislative Budget Commission authority to approve specified state trust fund appropriations; creating s. 216.1815, F.S.; providing for an agency and judicial branch incentive and savings program; providing requirements; creating s. 216.1826, F.S.; providing for activity-based planning and budgeting; amending s. 216.192, F.S.; conforming provisions; amending s. 216.216, F.S.; providing restrictions on the expenditure of funds for court settlements negotiated by the state; amending s. 216.221, F.S.; providing requirements for the elimination of a deficit in a trust fund; amending s. 216.262, F.S.; specifying authority of the Executive Office of the Governor to increase the number of positions; amending s. 216.292, F.S.; conforming provisions; adding food products as an allowable fund transfer category; authorizing transfer of positions under certain circumstances; authorizing transfers of appropriations for operations from trust funds in excess of certain amounts under certain conditions; amending s. 11.90, F.S.; establishing the chair and vice chair of the Legislative Budget Commission each year; eliminating the election of such officers; amending ss. 27.345, 27.3451, F.S.; correcting cross-references; creating s. 27.385, F.S.; reenacting provisions related to expenditures of appropriated funds by state attorneys; requiring a report; creating s. 27.605, F.S.; reenacting provisions related to expenditures of appropriated funds by public defenders; requiring a report; amending s. 45.062, F.S.; requiring certain notification and reporting with respect to executive branch settlements; saving s. 215.20(3), F.S., relating to an additional trust fund service charge, from scheduled repeal; amending s. 284.385, F.S.; requiring assigned counsel to report to the covered department on the status of casualty claims or litigation; prohibiting compromise or settlement of a casualty claim without prior notification to the covered department; amending s. 376.15, F.S.; correcting a cross-reference; creating s. 215.98, F.S.; providing a declaration of public policy; requiring the Division of Bond Finance of the State Board of Administration to conduct an annual debt affordability analysis; requiring a report; specifying report requirements; amending s. 11.90,

F.S.; providing additional powers and duties of the Legislative Budget Commission relating to the state's debt; providing an effective date.

—was read the first time by title. On motion by Rep. Lacasa, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 554

Yeas—117

The Chair	Cusack	Johnson	Peterman
Alexander	Davis	Jordan	Pickens
Allen	Detert	Joyner	Prieguez
Andrews	Diaz de la Portilla	Justice	Rich
Argenziano	Diaz-Balart	Kallinger	Richardson
Arza	Dockery	Kendrick	Ritter
Attkisson	Farkas	Kilmer	Romeo
Atwater	Fasano	Kosmas	Ross
Ausley	Fields	Kottkamp	Rubio
Baker	Flanagan	Kravitz	Russell
Barreiro	Frankel	Kyle	Ryan
Baxley	Gannon	Lacasa	Seiler
Bean	Garcia	Lee	Simmons
Bendross-Mindingall	Gardiner	Lerner	Siplin
Bennett	Gelber	Littlefield	Slosberg
Bense	Gibson	Lynn	Smith
Benson	Goodlette	Machek	Sobel
Berfield	Gottlieb	Mack	Sorensen
Betancourt	Green	Mahon	Spratt
Bilirakis	Greenstein	Mayfield	Stansel
Bowen	Haridopolos	Maygarden	Trovillion
Brummer	Harper	McGriff	Wallace
Brutus	Harrell	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	
Clarke	Holloway	Negron	
Crow	Jennings	Paul	

Nays—None

Votes after roll call:

Yeas—Ball

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 251, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 251—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, school supplies, and certain other items shall be exempt from such tax; defining “clothing” and “school supplies” for purposes of the exemption; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

Senate Amendment 1—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the “Florida Residents’ Tax Relief Act.”*

Section 2. (1) *A tax levied under chapter 212, Florida Statutes, shall not be collected on sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a selling price of*

\$50 or less during the period from 12:01 a.m., July 28, 2001, through midnight, August 5, 2001.

(2) *As used in this section, the term “clothing” means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. For purposes of this section, the term “clothing” does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.*

(3) *This section does not apply to sales within a theme park or entertainment complex as defined in section 509.013(9), Florida Statutes, within a public lodging establishment as defined in section 509.013(4), Florida Statutes, or within an airport as defined in section 330.27(2), Florida Statutes.*

(4) *The provisions of chapter 120, Florida Statutes, to the contrary notwithstanding, the Department of Revenue may adopt rules to carry out this section.*

Section 3. (1) *A tax levied under chapter 212, Florida Statutes, shall not be collected on sales of school supplies having a selling price of \$10 per item or less during the period from 12:01 a.m., July 28, 2001, through midnight, August 5, 2001.*

(2) *As used in this section, the term “school supplies” means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, protractors, compasses, and calculators.*

(3) *This section does not apply to sales within a theme park or entertainment complex as defined in section 509.013(9), Florida Statutes, within a public lodging establishment as defined in section 509.013(4), Florida Statutes, or within an airport as defined in section 330.27(2), Florida Statutes.*

(4) *The provisions of chapter 120, Florida Statutes, to the contrary notwithstanding, the Department of Revenue may adopt rules to carry out this section.*

Section 4. *The sum of \$200,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering this act.*

Section 5. This act shall take effect upon becoming a law.

On motion by Rep. Kilmer, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 251. The vote was:

Session Vote Sequence: 555

Yeas—99

The Chair	Brutus	Harper	Mack
Alexander	Bullard	Harrell	Mahon
Allen	Byrd	Harrington	Mayfield
Andrews	Cantens	Hart	Maygarden
Argenziano	Carassas	Henriquez	Meadows
Arza	Clarke	Hogan	Mealor
Attkisson	Crow	Holloway	Melvin
Atwater	Davis	Jennings	Miller
Ausley	Detert	Jordan	Murman
Baker	Diaz de la Portilla	Jordan	Needelman
Ball	Diaz-Balart	Justice	Negron
Barreiro	Farkas	Kallinger	Paul
Bean	Fasano	Kilmer	Pickens
Bendross-Mindingall	Fields	Kosmas	Prieguez
Bennett	Flanagan	Kottkamp	Rich
Bense	Garcia	Kravitz	Ritter
Benson	Gardiner	Kyle	Ross
Berfield	Gelber	Lacasa	Rubio
Betancourt	Gibson	Lerner	Russell
Bilirakis	Goodlette	Littlefield	Ryan
Bowen	Greenstein	Lynn	Seiler
Brummer	Haridopolos	Machek	Simmons

Siplin	Spratt	Wallace	Wilson
Slosberg	Stansel	Waters	Wishner
Sorensen	Trovillion	Wiles	

Nays—12

Bucher	Gannon	Kendrick	Romeo
Dockery	Gottlieb	McGriff	Smith
Frankel	Green	Richardson	Weissman

Votes after roll call:

Yeas—Heyman, Peterman, Sobel

Nays—Cusack, Joyner

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Explanation of Vote

I have voted for the sales tax holiday in past years. However, I voted against house bill 251 this year for several reasons. Florida has an almost billion dollar deficit in the state Medicaid budget which is used to pay for health care for low-income seniors, the disabled, low-income pregnant women, and children. The state budget has a projected increase next year of 54,000 students in Florida's public schools. At the same time, Florida is facing a slowing down of sales tax revenues and substantial decrease in intangible tax revenues. Although some Floridians enjoy the six percent discount they get on certain clothing and school supply items, the average savings for a family is \$11. This is not enough to justify a potential loss of \$25.7 million to the state (and a \$2.8 million loss to local governments) at a time of serious budget demands.

*Rep. Lois J. Frankel
District 85*

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 21, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 21—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.032, F.S.; reducing the rate of the annual tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida's Future Investment Fund, to conform; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; providing an effective date.

Senate Amendment 3 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort, when*

added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

Section 2. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 3. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—*All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) **RESULTS OF ELECTION.**—*When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

(5) **EXPENSES OF ELECTION.**—*The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

Section 4. Effective January 1, 2002, subsection (2) of section 199.185, Florida Statutes, is amended to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(2) Every natural person is entitled each year to an exemption of the first \$250,000 ~~\$20,000~~ of the value of property otherwise subject to the annual tax. A husband and wife filing jointly shall have an exemption

of \$500,000 ~~\$40,000~~. Every taxpayer that is not a natural person is entitled each year to an exemption of the first \$250,000 of the value of property otherwise subject to the tax. Agents and fiduciaries, other than guardians and custodians under a gifts-to-minors act, filing as such may not claim this exemption on behalf of their principals or beneficiaries; however, if the principal or beneficiary returns the property held by the agent or fiduciary and is a natural person, the principal or beneficiary may claim the exemption. No taxpayer shall be entitled to more than one exemption under this subsection. This exemption shall not apply to that intangible personal property described in s. 199.023(1)(d).

Section 5. Subsection (9) of section 213.27, Florida Statutes, is repealed.

Section 6. Section 213.256, Florida Statutes, is created to read:

213.256 Simplified Sales and Use Tax Administration Act.—

(1) As used in this section, the term:

(a) "Department" means the Department of Revenue.

(b) "Agreement" means the Streamlined Sales and Use Tax Agreement as amended and adopted on January 27, 2001, by the Executive Committee of the National Conference of State Legislatures.

(c) "Certified automated system" means software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(d) "Certified service provider" means an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions.

(e) "Person" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

(f) "Sales tax" means the tax levied under chapter 212.

(g) "Seller" means any person making sales, leases, or rentals of personal property or services.

(h) "State" means any state of the United States and the District of Columbia.

(i) "Use tax" means the tax levied under chapter 212.

(2)(a) The executive director of the department shall enter into the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the agreement, the executive director of the department or his or her designee shall act jointly with other states that are members of the agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

(b) The executive director of the department or his or her designee shall take other actions reasonably required to administer this section. Other actions authorized by this section include, but are not limited to, the adoption of rules and the joint procurement, with other member states, of goods and services in furtherance of the cooperative agreement.

(c) The executive director of the department or his or her designee may represent this state before the other states that are signatories to the agreement.

(3) The executive director of the department may not enter into the Streamlined Sales and Use Tax Agreement unless the agreement requires each state to abide by the following requirements:

(a) The agreement must set restrictions to limit, over time, the number of state tax rates.

(b) The agreement must establish uniform standards for:

1. The sourcing of transactions to taxing jurisdictions.
2. The administration of exempt sales.
3. Sales and use tax returns and remittances.

(c) The agreement must provide a central electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states.

(d) The agreement must provide that registration with the central registration system and the collection of sales and use taxes in the signatory state will not be used as a factor in determining whether the seller has nexus with a state for any tax.

(e) The agreement must provide for reduction of the burdens of complying with local sales and use taxes through:

1. Restricting variances between the state and local tax bases.

2. Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers who collect and remit these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions.

3. Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes.

4. Providing notice of changes in local sales and use tax rates and of local changes in the boundaries of local taxing jurisdictions.

(f) The agreement must outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint study by the public and private sectors, which must be completed by July 1, 2002, of the compliance cost to sellers and certified service providers of collecting sales and use taxes for state and local governments under various levels of complexity.

(g) The agreement must require each state to certify compliance with the terms of the agreement before joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member.

(h) The agreement must require each state to adopt a uniform policy for certified service providers which protects the privacy of consumers and maintains the confidentiality of tax information.

(i) The agreement must provide for the appointment of an advisory council of private-sector representatives and an advisory council of nonmember state representatives to consult within the administration of the agreement.

(4) For the purposes of reviewing or amending the agreement to embody the simplification requirements as set forth in subsection (3), this state shall enter into multistate discussions. For purposes of such discussions, this state shall be represented by three delegates, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and the executive director of the department or his or her designee.

(5) No provision of the agreement authorized by this section in whole or in part invalidates or amends any provision of the laws of this state. Adoption of the agreement by this state does not amend or modify any law of the state. Implementation of any condition of the agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by the action of the state.

(6) The agreement authorized by this section is an accord among individual cooperating sovereigns in furtherance of their governmental functions. The agreement provides a mechanism among the member states to establish and maintain a cooperative, simplified system for the application and administration of sales and use taxes under the duly adopted law of each member state.

(7)(a) The agreement authorized by this act binds and inures only to the benefit of this state and the other member states. No person, other

than a member state, is an intended beneficiary of the agreement. Any benefit to a person other than a state is established by the laws of this state and of other member states and not by the terms of the agreement.

(b) Consistent with paragraph (a), no person has any cause of action or defense under the agreement or by virtue of this state's approval of the agreement. No person may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of this state, or of any political subdivision of this state, on the ground that the action or inaction is inconsistent with the agreement.

(c) No law of this state, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the agreement.

(8)(a) A certified service provider is the agent of a seller with whom the certified service provider has contracted for the collection and remittance of sales and use taxes. As the seller's agent, the certified service provider is liable for sales and use tax due each member state on all sales transactions it processes for the seller except as set out in this subsection.

(b) A seller that contracts with a certified service provider is not liable to the state for sales or use tax due on transactions processed by the certified service provider unless the seller has misrepresented the type of items it sells or has committed fraud. In the absence of probable cause to believe that the seller has committed fraud or made a material misrepresentation, the seller is not subject to audit on the transactions processed by the certified service provider. A seller is subject to audit for transactions that have not been processed by the certified service provider. The member states acting jointly may perform a system check of the seller and review the seller's procedures to determine if the certified service provider's system is functioning properly and to determine the extent to which the seller's transactions are being processed by the certified service provider.

(c) A person that provides a certified automated system is responsible for the proper functioning of that system and is liable to the state for underpayments of tax attributable to errors in the functioning of the certified automated system. A seller that uses a certified automated system remains responsible and is liable to the state for reporting and remitting tax.

(d) A seller that has a proprietary system for determining the amount of tax due on transactions and has signed an agreement establishing a performance standards for that system is liable for the failure of the system to meet the performance standard.

(9) Disclosure of information necessary under this section must be pursuant to a written agreement between the executive director of the department or his or her designee and the certified service provider. The certified service provider is bound by the same requirements of confidentiality as the department. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) On or before January 1 annually, the department shall provide recommendations to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives for provisions to be adopted for inclusion within the system which are necessary to bring it into compliance with the Streamlined Sales and Use Tax Agreement.

Section 7. Effective July 1, 2001, notwithstanding section 10 of chapter 90-110, Laws of Florida, subsection (3) of section 215.20, Florida Statutes, shall not expire on October 1, 2001, as scheduled by that law, but subsection (3) of section 215.20, Florida Statutes, is revived and readopted.

Section 8. Effective January 1, 2002, and applying to tax years beginning on or after that date, section 220.187, Florida Statutes, is created to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(1) **PURPOSE.**—The purpose of this section is to:

(a) Encourage private, voluntary contributions to nonprofit scholarship-funding organizations.

(b) Expand educational opportunities for children of families that have limited financial resources.

(c) Enable children in this state to achieve a greater level of excellence in their education.

(2) **DEFINITIONS.**—As used in this section, the term:

(a) "Department" means the Department of Revenue.

(b) "Eligible contribution" means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution. The taxpayer may not contribute more than \$5 million to any single eligible nonprofit scholarship-funding organization.

(c) "Eligible nonpublic school" means a nonpublic school located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection (5).

(d) "Eligible nonprofit scholarship-funding organization" means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and that complies with the provisions of subsection (4).

(e) "Qualified student" means a student who qualifies for free or reduced-price school lunches under the National School Lunch Act and who:

1. Was counted as a full-time-equivalent student during the previous state fiscal year for purposes of state per-student funding; or

2. Received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(3) **AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.**—

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. However, at least 5 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

(b) The total amount of tax credit which may be granted each state fiscal year under this section is \$50 million.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(4) **OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.**—

(a) An eligible nonprofit scholarship-funding organization shall provide scholarships, from eligible contributions, to qualified students for:

1. Tuition or textbook expenses for, or transportation to, an eligible nonpublic school. At least 75 percent of the scholarship funding must be used to pay tuition expenses; or

2. Transportation expenses to a Florida public school that is located outside the district in which the student resides.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(c) The amount of a scholarship provided to any child for any single school year by all eligible nonprofit scholarship-funding organizations from eligible contributions shall not exceed the following annual limits:

1. \$3,500 for a scholarship awarded to a student enrolled in an eligible nonpublic school.

2. \$500 for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides.

(d) The amount of an eligible contribution which may be accepted by an eligible nonprofit scholarship-funding organization is limited to the amount needed to provide scholarships for qualified students which the organization has identified and for which vacancies in eligible nonpublic schools have been identified.

(e) An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships in the same state fiscal year in which the contribution was received. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(f) An eligible nonprofit scholarship-funding organization that receives eligible contributions must provide to the Auditor General an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General.

(g) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant or check made payable to the student's parent. If the parent chooses for his or her child to attend an eligible nonpublic school, the warrant or check must be mailed by the eligible nonprofit scholarship-funding organization to the nonpublic school of the parent's choice, and the parent shall restrictively endorse the warrant or check to the nonpublic school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant or check, the parent to whom the warrant or check is made restrictively endorses the warrant or check to the nonpublic school of the parent's choice for deposit into the account of the nonpublic school.

(5) **ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.**—An eligible nonpublic school must:

(a) Demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education with a statement by a certified public accountant confirming that the nonpublic school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Comply with all state laws relating to general regulation of nonpublic schools.

(6) **ADMINISTRATION; RULES.**—

(a) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may not be carried forward. A taxpayer may not convey, assign, or transfer the credit authorized by this section

to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(c) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d), eligibility of nonpublic schools that meet the requirements of paragraph (2)(c), and eligibility of expenditures under this section as provided in subsection (4).

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits under this section on a first-come, first-served basis.

(e) The Department of Education shall adopt rules necessary to determine eligibility of nonprofit scholarship-funding organizations as defined in paragraph (2)(d) and according to the provisions of subsection (4) and identify qualified students as defined in paragraph (2)(e).

(7) **DEPOSITS OF ELIGIBLE CONTRIBUTIONS.**—All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 18.10(2).

Section 9. Effective January 1, 2002, and applying to tax years beginning on or after that date, subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, and those enumerated in s. 220.185, and those enumerated in s. 220.187.

Section 10. Effective January 1, 2002, and applying to tax years beginning on or after that date, paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term

capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 2005.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on June 30, 2005.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. *The amount taken as a credit for the taxable year under s. 220.187.*

Section 11. Effective January 1, 2002, and applying to tax years beginning on or after that date, paragraph (u) is added to subsection (7) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(u) *Information relative to s. 220.187 to the Department of Education in the conduct of its official business.*

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 12. (1) *The first two payments of estimated tax pursuant to section 200.33, Florida Statutes, shall not be affected by any contribution made pursuant to this act.*

(2) *This section shall take effect January 1, 2002, and apply to tax years beginning on or after that date.*

Section 13. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to taxation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural

persons; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; abrogating the expiration of s. 215.20(3), F.S.; relating to service charges against certain trust funds; creating s. 220.187, F.S.; providing purpose; defining terms; providing a credit against the tax for contributions to a nonprofit scholarship-funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain students and providing requirements and limitations with respect thereto; providing for payment; providing requirements for deposit of eligible contributions; providing duties of the Department of Revenue and Department of Education; establishing criteria for nonpublic school eligibility; providing for duties of the Department of Revenue and the Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; amending s. 213.053, F.S.; authorizing information-sharing with the Department of Education; providing effective dates.

Senate Amendment 3A (with title amendment)—On page 20, between lines 8 and 9,

insert:

Section 13. Effective July 1, 2001, paragraph (a) of subsection (4) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes. The sale of drinking water in bottles, cans, or other containers, including water that contains minerals or carbonation in its natural state or water to which minerals have been added at a water treatment facility regulated by the Department of Environmental Protection or the Department of Health, is exempt. This exemption does not apply to the sale of drinking water in bottles, cans, or other containers if carbonation, ~~minerals~~, or flavorings, except those added at a water treatment facility, have been added. *Water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings is also exempt.*

2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and diesel fuel is taxable as provided in this chapter with the exception of fuel expressly exempt herein. Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the

tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax shall be set forth in s. 212.054. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 22, line 18, after the semicolon

and insert: amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers;

Senate Amendment 3B (with title amendment)—On page 1, line 17, through page 4, line 9, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 20, lines 19-27, delete those lines

and insert: An act relating to taxation; amending s.

On motion by Rep. Fasano, the House concurred in Senate Amendments 3, 3A, and 3B. The question recurred on the passage of HB 21. The vote was:

Session Vote Sequence: 556

Yeas—72

The Chair	Cantens	Harrell	Mealor
Alexander	Carassas	Harrington	Melvin
Allen	Clarke	Hart	Miller
Andrews	Crow	Hogan	Murman
Arza	Davis	Johnson	Needelman
Attkisson	Detert	Jordan	Negron
Atwater	Diaz de la Portilla	Kallinger	Paul
Ball	Diaz-Balart	Kilmer	Pickens
Barreiro	Dockery	Kottkamp	Prieguez
Baxley	Farkas	Kravitz	Ross
Bennett	Fasano	Kyle	Rubio
Bense	Flanagan	Lacasa	Russell
Benson	Garcia	Littlefield	Simmons
Berfield	Gardiner	Lynn	Sorensen
Bilirakis	Gibson	Mack	Spratt
Bowen	Goodlette	Mahon	Trovillion
Brummer	Green	Mayfield	Wallace
Byrd	Haridopolos	Maygarden	Waters

Nays—44

Argenziano	Gelber	Kosmas	Ryan
Ausley	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner

Votes after roll call:

Yeas—Baker, Bean

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Explanations of Vote

House Bill 21 contains at least two provisions that I oppose. The tax relief to certain payers of the intangible tax, at this time, is fiscally irresponsible. Florida has an almost billion dollar deficit in the state Medicaid budget which is used to pay for health care for low-income seniors, the disabled, low-income pregnant women, and children. The state budget has a projected increase next year of 50,400 students in Florida's public schools. At the same time, Florida is facing a slowing down of sales tax revenues. The tax relief of \$80 to \$420 for less than 4 percent of Floridians does not justify a potential loss of \$135 million of the state at a time it is facing serious budget demands. This bill also contains the corporate state tax break for donations to private schools. I vehemently oppose and strongly protest the diversion of \$50 million in tax dollars from Florida's general revenue to private schools.

*Rep. Lois J. Frankel
District 85*

Today, I cast my vote against House Bill 21. Unfortunately, I cannot support a bill that addresses two separate and very different issues. We should direct more funding to public education to recruit, retain and reward caring and qualified teachers. My desire is to reduce the tax paid on intangibles by our true seniors and savers. I do not believe this bill truly targets these individuals. In addition, this bill was amended to include private school vouchers. I cannot support this legislation. I do not believe that vouchers address the real problems in our public schools. Moreover, this voucher does not terminate eligibility for private schools who discriminate against students with disabilities. This legislation also does not provide any accountability. We can and should fix our public school problems, but I believe improvements are made with class and school size reduction, improving teacher salaries, and parental and community involvement in public schools. Accordingly, as much as I would like to support true tax relief, I cannot vote for this voucher legislation.

*Rep. Charlie Justice
District 53*

Today, I cast my vote against House Bill 21. Unfortunately, once again, I can not support a bill that addresses two separate and very different issues. We should to direct more funding to public education, enhance our prescription drug program and hire new state troopers. I also believe we should raise the exemptions on the intangibles tax to provide relief for our seniors and savers. However, when this bill was amended to include private school vouchers, I was forced to vote no. I do not believe that vouchers do anything to address the real problems in our public schools. Moreover, this voucher allows for private schools to discriminate against students with disabilities and does not provide any accountability. We can and should fix our public school problems, but I believe improvements are made with class and school size reduction, improving teacher salaries, developing reading initiatives, math initiatives, civics initiatives, and parental and community involvement in public schools. Accordingly, as much as I would like to support some tax relief, I can not vote for vouchers.

*Rep. Doug Wiles
District 20*

The Honorable Tom Feeney, 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 1576 and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS for SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the

review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 197.212, F.S.; increasing the allowable minimum property tax; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; creating an advisory committee on property and other public facility taxation; providing purposes and membership; requiring a report; providing an appropriation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

(House Amendment 1 attached to original bill and shown in the *Journal* on pages 1886-1896, May 3.)

Senate Amendment 1 to House Amendment 1 (with title amendment)—On page 1, line 18, through page 43, line 26, delete those lines

and insert:

Section 1. Paragraph (c) of subsection (2) of section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(c) In conducting assessment ratio studies, the department must use a representative or statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. *The department shall document and retain records of the measures of representativeness of the properties studied in compliance with this section. Such documentation must include a record of findings used as the basis for the approval or disapproval of the tax roll in each county pursuant to s. 193.1142.* For purposes of this section, the department shall rely primarily on an assessment-to-sales-ratio study in conducting assessment ratio studies in those classifications of property specified in subsection (3) for which there are adequate market sales. The department shall compute the median and the value-

weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 2. Effective January 1, 2003, paragraph (c) of subsection (2) of section 195.096, Florida Statutes, as amended by section 1 of this act, is amended to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(c) In conducting assessment ratio studies, the department must use a representative or statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. The department shall document and retain records of the measures of representativeness of the properties studied in compliance with this section. Such documentation must include a record of findings used as the basis for the approval or disapproval of the tax roll in each county pursuant to s. 193.1142. *In addition, to the greatest extent practicable, the department shall study assessment roll strata by value groups or market areas for each classification, subclassification, or stratum to be studied, to assure the representativeness of ratio study samples.* For purposes of this section, the department shall rely primarily on an assessment-to-sales-ratio study in conducting assessment ratio studies in those classifications of property specified in subsection (3) for which there are adequate market sales. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 3. Subsection (5) of section 197.502, Florida Statutes, is amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(5)(a) *The tax collector may contract with a title company or an abstract company at a reasonable fee to provide the minimum information required in subsection (4), consistent with rules adopted by the department. If additional information is required, the tax collector must make a written request to the title or abstract company stating the additional requirements. The tax collector may select any title or abstract company, regardless of its location, as long as the fee is reasonable, the minimum information is submitted, and the title or abstract company is authorized to do business in this state. The tax collector may advertise and accept bids for the title or abstract company if he or she considers it appropriate to do so.*

1. *The ownership and encumbrance report must be printed or typed on stationery or other paper showing a letterhead of the person, firm, or company that makes the search, and the signature of the person who makes the search or of an officer of the firm must be attached. The tax collector is not liable for payment to the firm unless these requirements are met.*

2. *The tax collector may not accept or pay for any title search or abstract if no financial responsibility is assumed for the search. However, reasonable restrictions as to the liability or responsibility of the title or abstract company are acceptable.*

3. *In order to establish uniform prices for ownership and encumbrance reports within the county, the tax collector shall ensure that the contract for ownership and encumbrance reports include all requests for title searches or abstracts for a given period of time.*

(b) *Any fee paid for any title search or abstract must be collected at the time of application under section (1), and the amount of the fee must be added to the opening bid.*

(c) The clerk shall advertise and administer the sale and receive such fees for the issuance of the deed and sale of the property as are provided in s. 28.24.

Section 4. Effective January 1, 2002, section 200.069, Florida Statutes, is amended to read:

200.069 Notice of proposed property taxes and non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in subsection (11) and s. 200.065(13).

(1) The notice shall read:

NOTICE OF PROPOSED PROPERTY TAXES
DO NOT PAY—THIS IS NOT A BILL

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

(2) The notice shall further contain information applicable to the specific parcel in question. The information shall be in columnar form. There shall be five column headings which shall read: "Taxing Authority," "Your Property Taxes Last Year," "Your Taxes This Year IF PROPOSED Budget Change is Made," "A Public Hearing on the Proposed Taxes and Budget Will be Held.," and "Your Taxes This Year IF NO Budget Change is Made."

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; ~~the a single entry for other independent special districts in which the parcel lies, if any; and, except as provided in subsection (11); and a single entry for all voted levies for debt service applicable to the parcel, if any.~~

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:." ~~The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11).~~ For each voted levy levies for debt service, the entry shall be "Voter Approved Debt Payments."

(b) In the second column, the gross amount of ad valorem taxes levied against the parcel in the previous year. If the parcel did not exist in the previous year, the second column shall be blank.

(c) In the third column, the gross amount of ad valorem taxes proposed to be levied in the current year, which amount shall be based on the proposed millage rates provided to the property appraiser pursuant to s. 200.065(2)(b) or, in the case of voted levies for debt service, the millage rate previously authorized by referendum, and the taxable value of the parcel as shown on the current year's assessment roll.

(d) In the fourth column, the date, the time, and a brief description of the location of the public hearing required pursuant to s. 200.065(2)(c). ~~However:~~

~~1.—No entry shall be made in the fourth column for the line showing independent special districts other than water management districts if that line represents more than one district;~~

~~2.—For the line showing voted levies for debt service pursuant to paragraph (a), the following statement shall appear: "Includes debt of . . . (list of brief, commonly used names for each taxing authority whose debt service levy is included on this line). . . ."; and~~

~~3.—For the line showing totals, the following statement shall appear: "For details on independent special districts and voter approved debt, contact your Tax Collector at . . . (phone number). . . ." If the option in subsection (11) is utilized, the phrase "independent special districts and" shall be deleted.~~

(e) In the fifth column, the gross amount of ad valorem taxes which would apply to the parcel in the current year if each taxing authority were to levy the rolled-back rate computed pursuant to s. 200.065(1) or, in the case of voted levies for debt service, the amount previously authorized by referendum.

(f) For special assessments collected utilizing the ad valorem method pursuant to s. 197.363, the previous year's assessment amount shall be added to the ad valorem taxes shown in the second and fifth columns, and the amount proposed to be imposed for the current year shall be added to the ad valorem taxes shown in the third column.

(5) The amounts shown on each line preceding ~~each~~ the entry for voted levies for debt service shall include the sum of all ad valorem levies of the applicable unit of local government for operating purposes, including those of dependent special districts (except for municipal service taxing units, which shall be listed on the line for municipalities), and all nonvoted or nondebt service special assessments imposed by the applicable unit of local government to be collected utilizing the ad valorem method. ~~Voted levies for debt service for all units of local government shall be combined and shown on a single line, including voter approved special assessments for debt service if collected utilizing the ad valorem method.~~

(6) Following the entries for each taxing authority, a final entry shall show: in the first column, the words "Total Property Taxes:" and in the second, third, and fifth columns, the sum of the entries for each of the individual taxing authorities. The second, third, and fifth columns shall, immediately below said entries, be labeled Column 1, Column 2, and Column 3, respectively. Below these labels shall appear, in boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

(7) The notice shall further show a brief legal description of the property and the name and mailing address of the owner of record.

(8) The notice shall further read:

	Market Value	Assessed Value	Exemp- tions	Taxable Value
Your Property Value Last Year	\$	\$	\$	\$
Your Property Value This Year	\$	\$	\$	\$

If you feel that the market value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at . . . (phone number). . . or . . . (location). . . .

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE . . . (date). . . .

(9) The reverse side of the form shall read:

EXPLANATION

*COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

*COLUMN 2—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

*COLUMN 3—"YOUR TAXES IF NO BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

For homestead property: value as limited by the State Constitution;

For agricultural and similarly assessed property: classified use value;

For all other property: market value.

*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

(10) The front side of the form required pursuant to this section shall approximate in all essential respects the facsimile set forth in this subsection as it appears in s. 26, chapter 80-274, Laws of Florida, except for amendments subsequent to 1980.

~~(11) If authorized by resolution of the governing body of the county prior to July 1, and with the written concurrence of the property appraiser, the notice specified in this section shall contain a separate line entry for each independent special taxing district in the jurisdiction of which the parcel lies. Each such district shall be identified by name. The form used for this purpose shall be identical to that supplied by the department and shall be delivered to the property appraiser not later than July 31, except that a larger space shall be provided for listing the columnar information specified in subsections (2), (3), (4), and (5). If the executive director of the department grants written permission, the form may be printed only on one side. The governing body of the county shall bear the expense of procuring such form.~~

~~(11)(12)~~ The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

~~(12)(13)~~(a) If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of proposed or adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

NOTICE OF PROPOSED PROPERTY TAXES
AND PROPOSED OR ADOPTED
NON-AD VALOREM ASSESSMENTS
DO NOT PAY—THIS IS NOT A BILL

There must be a clear partition between the notice of proposed property taxes and the notice of proposed or adopted non-ad valorem

assessments. The partition must be a bold, horizontal line approximately 1/8-inch thick. By rule, the department shall provide a format for the form of the notice of proposed or adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.

2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the purpose is not clearly indicated by the name of the board.

3. Each non-ad valorem assessment for each levying local governing board must be listed separately.

4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.

5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection (11) ~~(12)~~ shall not be placed on the notice.

Section 5. 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.

(c) 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.

Section 6. Subsection (1) of section 197.343, Florida Statutes, is amended to read:

197.343 Tax notices; additional notice required.—

(1) An additional tax notice shall be mailed by ~~April 30~~ ~~April 10~~ to each taxpayer whose payment has not been received. The notice shall include a description of the property and the following statement: If the taxes for . . . (year) . . . on your property are not paid, a tax certificate will be sold for these taxes, and your property may be sold at a future date. Contact the tax collector's office at once.

Section 7. Paragraph (a) of subsection (1) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(a) The right to be mailed notice of proposed property taxes and proposed or adopted non-ad valorem assessments (see ss. 194.011(1), 200.065(2)(b) and (d) and (13)(a), and 200.069). The notice must also inform the taxpayer that the final tax bill may contain additional non-ad valorem assessments (see s. 200.069(11) ~~s. 200.069(12)~~).

Section 8. Section 197.212, Florida Statutes, is amended to read:

197.212 Minimum tax bill.—On the recommendation of the county tax collector, the board of county commissioners may adopt a resolution instructing the collector not to mail tax notices to a taxpayer when the amount of taxes shown on the tax notice is less than *an amount up to \$30 \$5*. The resolution shall also instruct the property appraiser that he or she shall not make an extension on the tax roll for any parcel for which the tax would amount to less than *an amount up to \$30 \$5*. The minimum tax bill so established may not exceed *an amount up to \$30 \$5*.

Section 9. (1) *There is created the Property Tax Administration Task Force for the purpose of serving as a forum for bringing issues in property tax administration to the Department of Revenue, of providing and evaluating suggestions for improving the property tax administration process, and of promoting greater understanding of property tax administration issues. The Property Tax Administration Task Force shall consist of members representing business and industry, taxpayer groups, municipalities, counties, school districts, special districts, state government, and elected officials charged with assessing and collecting property taxes. The Executive Director of the Department of Revenue shall appoint the members. The task force shall make periodic reports to the department concerning findings and recommendations in the area of property tax administration.*

(2) *This section shall take effect upon becoming a law.*

Section 10. Effective upon this act becoming a law and applicable to the tax year 2001 and thereafter, section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(1) The applicant must be a corporation not for profit *pursuant to chapter 617* or a Florida limited partnership, the sole general partner of

which is a corporation not for profit pursuant to chapter 617, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a "home for the aged" unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1), licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), units or apartments in homes for the aged shall be exempt only to the extent that residency in the existing unit or apartment of the applicant home is reserved for or restricted to or the unit or apartment is occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:

1. Persons who have gross incomes of not more than \$7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than \$7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects that which are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and that which are subject to the income limitations established by that department are shall be exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is hereby declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in

the third sentence of s. 3(a), Art. VII, State Constitution, and the remaining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of a such property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of \$25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each corporation home applying for an exemption under paragraph (a) of this subsection or paragraph (4)(a) must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under either of those paragraphs that paragraph is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) Sections 196.195 and 196.196 do not apply to this section.

Section 11. (1) There is created an advisory committee on property taxation, consisting of 8 members, two of whom shall be appointed by the Governor. The President of the Senate shall appoint two members, one of which must be a member of the Senate, and the Speaker of the House shall appoint two members, one of which must be a member of the House of Representatives. The executive director of the Department of Revenue and one property appraiser appointed by the executive director shall also serve on the committee. The advisory committee shall study the taxation of airport and seaport property and may consider taxation of other public facilities and issues related to special districts. The advisory committee shall submit a written report on this issue to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2001.

(2) The sum of \$100,000 is appropriated to the Department of Revenue from the General Revenue Fund to defray the expenses of the advisory committee.

(3) *This section shall take effect upon becoming a law.*

Section 12. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort results in millage in excess of the 10-mill limit, millage levied pursuant to this subsection must be calculated as required local effort to the extent that the total district millage exceeds the 10-mill limit.*

Section 13. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 14. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 *Procedures for holding and conducting school district millage elections.—*

(1) **HOLDING ELECTIONS.**—*All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) **FORM OF BALLOT.**—

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) **QUALIFICATION OF ELECTORS.**—*All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) **RESULTS OF ELECTION.**—*When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

(5) **EXPENSES OF ELECTION.**—*The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

Section 15. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 44, line 5, through page 46, line 25, delete those lines

and insert: An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 197.212, F.S.; increasing the allowable minimum property tax; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; creating an advisory committee on property and other public facility taxation; providing purposes and membership; requiring a report; providing an appropriation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; providing for calculating the levy if the millage exceeds certain limits; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

Senate Amendment 1A to House Amendment 1 (with title amendment)—On page 24, line 6, through page 26, line 28, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 28, line 31, through page 29, line 9, delete those lines

and insert: appropriation;

On motion by Rep. Wallace, the House concurred in Senate Amendments 1 and 1A to House Amendment 1. The question recurred on the passage of CS for SB 1576. The vote was:

Session Vote Sequence: 557

Yeas—110

The Chair	Carassas	Holloway	Paul
Alexander	Clarke	Jennings	Peterman
Allen	Crow	Johnson	Pickens
Andrews	Cusack	Jordan	Prieguez
Argenziano	Davis	Joyner	Rich
Arza	Detert	Justice	Richardson
Attkisson	Diaz de la Portilla	Kallinger	Ritter
Atwater	Dockery	Kendrick	Romeo
Ausley	Farkas	Kilmer	Ross
Baker	Fasano	Kosmas	Russell
Ball	Fields	Kravitz	Ryan
Barreiro	Frankel	Kyle	Seiler
Baxley	Gannon	Lacasa	Simmons
Bean	Garcia	Lee	Siplin
Bendross-Mindingall	Gardiner	Littlefield	Slosberg
Bennett	Gelber	Lynn	Smith
Bense	Gibson	Machek	Sobel
Benson	Goodlette	Mack	Sorensen
Berfield	Green	Mahon	Spratt
Betancourt	Greenstein	Mayfield	Stansel
Bilirakis	Haridopolos	Maygarden	Trovillion
Bowen	Harper	Meadows	Wallace
Brummer	Harrell	Mealor	Waters
Brutus	Harrington	Melvin	Weissman
Bucher	Hart	Miller	Wiles
Bullard	Henriquez	Murman	Wishner
Byrd	Heyman	Needelman	
Cantens	Hogan	Negron	

Nays—3

Gottlieb Lerner McGriff

Votes after roll call:

Yeas—Flanagan, Kottkamp

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has accepted the Conference Committee Report as an entirety and passed SB 2000 as amended by the Conference Committee Report.

Faye W. Blanton, Secretary

Conference Committee Report on SB 2000

In compliance with Article III, Section 19(d) and Joint Rule 2, the necessary 72-hour waiting period having expired, on motion by Rep. Lacasa, the House took up the following Report of the Conference Committee on SB 2000:

The Honorable John M. McKay
President of the Senate

May 2, 2001

The Honorable Tom Feeney
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2000, same being:

An act relating to appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, 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, do recommend to their respective houses as follows:

1. That the House recede from its amendment 1.
2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

Jim Horne, Chair

Locke Burt

Charlie Clary

Anna Cowin

Mandy Dawson

Buddy Dyer

Rudy Garcia

Betty S. Holzendorf

Daryl Jones

James E. "Jim" King, Jr.

Jack Latvala

John F. Laurent

Alfred "Al" Lawson

Kendrick Meek

Lesley "Les" Miller

Richard Mitchell

Durell Peaden, Jr.

Tom Rossin

Debby Sanderson

Burt Saunders

Ronald A. Silver

Donald C. Sullivan

Alex Villalobos

Daniel Webster

Carlos Lacasa, Vice Chair

JD Alexander

Randy Ball

Gustavo Barreiro

Allan Bense

Gus Bilirakis

Frederick "Fred" Brummer

Paula Dockery

Frank Farkas

Mike Fasano

Mark Flanagan

Carole Green

Ron Greenstein

Chris Hart

Wilbert "Tee" Holloway

Ed Jennings, Jr.

Randy Johnson

Charlie Justice

Bev Kilmer

Evelyn Lynn

Mark Mahon

Jerry Maygarden

Matthew Meadows

Jerry Melvin

Jefferson "Jeff" Miller

Sandra Murman

Nan Rich

Stacy Ritter

Marco Rubio

John "Jack" Seiler

Gary Siplin

Irving Slosberg

Joseph Spratt

Dwight Stansel

Rob Wallace

Frederica "Freddi" Wilson

Managers on the part of the
Senate

Managers on the part of the
House of Representatives

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, 2001, and ending June 30, 2002, 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 2001-2002 Fiscal Year to the State agency indicated, as the amounts to be used to pay the salaries, other operational expenditures, and fixed capital outlay 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

SECTION 1
SPECIFIC
APPROPRIATION

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

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 . 202,000,000
- 2A SPECIAL CATEGORIES
 - TRANSFER TO STATE STUDENT FINANCIAL
 - ASSISTANCE TRUST FUND
 - FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 19,415,980

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM TRUST FUNDS 221,415,980

TOTAL ALL FUNDS 221,415,980

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP

- 4A AID TO LOCAL GOVERNMENTS
 - GRANTS AND AIDS - DISTRICT LOTTERY AND
 - SCHOOL RECOGNITION PROGRAM
 - FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 283,750,000

Funds appropriated in Specific Appropriation 4A are provided as enhancement funds for school districts and shall be allocated as follows:

- a) Sixty percent of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall 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 shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.
- b) Forty percent of the funds provided in Specific Appropriation 4A shall be used to fund financial awards pursuant to provisions of s. 231.2905, F.S., relating to the Florida School Recognition Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school.
- c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

SECTION 1
SPECIFIC
APPROPRIATION

The Commissioner of Education shall withhold the distribution of discretionary lottery funds from any school district which fails to comply with the provisions of s.106.15,F.S.

- 5 AID TO LOCAL GOVERNMENTS
 - GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
 - FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 28,075,000

Funds appropriated in Specific Appropriation 5 for public school technology shall be allocated by prorating the total based on each district's share of the state total K-12 FTE.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP
FROM TRUST FUNDS 311,825,000

TOTAL ALL FUNDS 311,825,000

PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP

- 7A SPECIAL CATEGORIES
 - GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS
 - FOR READING PROGRAMS
 - FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,731,428

Funds appropriated in Specific Appropriation 7A are provided for Direct Instruction.

- 7B SPECIAL CATEGORIES
 - GRANTS AND AIDS - ASSISTANCE TO LOW
 - PERFORMING SCHOOLS
 - FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 8,000,000

From the funds appropriated in Specific Appropriation 7B, \$4,720,000 is provided to support school-wide change designed to improve student performance in "D" and "F" elementary schools. Schools that apply for funds shall provide a description of the school-wide program approved by the school board that is 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, 2001.

From the funds appropriated in Specific Appropriation 7B, \$3,000,000 shall be used by the Department of Education to fund learning development demonstration and evaluation grants to elementary and middle schools. These grants shall be employed solely to fund in designated schools a fully integrated system of assessment, remediation and development in which the student is provided a specific program of learning ability enhancement based on the individual's detailed assessment of cognitive abilities and screening of perceptual and sensory motor systems.

From the funds appropriated in Specific Appropriation 7B, \$280,000 is provided to establish a pilot program in Mathematics (Algebra I, Algebra II, and Geometry), including professional development for teaching staff. The pilot shall operate in a low performing high school in the Gadsden County school district.

The program shall include a complete curriculum consisting of print material and computer software and shall incorporate a collaborative learning-based approach and teach problem solving skills in a real world

SECTION 1
SPECIFIC
APPROPRIATION

contextual framework. It shall also have a firm foundation in research demonstrating proven results.

The Department of Education shall evaluate the program after one complete year of operation to determine if students in the pilot program outperform students who participate in regular Algebra I, Algebra II, and Geometry programs measured by the FCAT.

7C SPECIAL CATEGORIES
GRANTS AND AIDS - MENTORING/STUDENT
ASSISTANCE INITIATIVES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 14,525,000

From the funds appropriated in Specific Appropriation 7C, \$1,250,000 is provided for the Governor's Mentoring Initiative, \$1,000,000 is provided for the PASS Project - Best Practices, \$4,300,000 is provided for Take Stock in Children, \$2,000,000 is provided for Big Brothers - Big Sisters, \$1,500,000 is provided for Learning for Life, Inc., \$2,000,000 is provided for Boys and Girls Clubs, \$1,000,000 is provided for College Fast Start, \$150,000 is provided for Amer-I-Can, \$150,000 is provided for an After School Tutorial Program in Broward County, and \$125,000 is provided for an After School Enrichment Program in Dade County.

From the funds in Specific Appropriation 7C, \$1,050,000 is provided for implementation grants of \$150,000 each for the Florida Mentor Teacher Program pilot projects approved by the Department of Education during 2000-2001.

7D SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITIES IN SCHOOLS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000

7E SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,250,000

Funds appropriated in Specific Appropriation 7E are provided for the Schultz Center for Teaching and Leadership.

7F SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL
ENHANCEMENTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 7,793,572

From the funds appropriated in Specific Appropriation 7F, \$1,000,000 is provided for a statewide vision screening service for pre-school children using a system based on color photorefracton. The selection of the service provider shall be in accordance with Chapter 287, F.S., and the service provider must have completed a vision screening program in a public school setting using the screening method provided in this paragraph.

From the funds appropriated in Specific Appropriation 7F, \$600,000 is provided for language immersion pilot programs of which \$250,000 is provided for a total immersion pilot program in Volusia County which shall follow the California model; and \$350,000 is provided for a full language-immersion demonstration project in three public elementary schools in Hillsborough County. Because of the unique demographic profile, the target population is students in the East part of Hillsborough County. A kindergarten and fourth grade language-immersion program will be placed in each of the schools, and parents in adjacent schools in East Hillsborough County may apply for special assignment in these programs on a space available basis. The purpose is to provide functional proficiency in the second language and mastery of the Sunshine State Standards. This program shall be utilized as a bilingual teacher recruitment and retention tool of the district.

From the funds in Specific Appropriation 7F, \$200,000 is provided for Arts for a Complete Education, \$100,000 is provided for Jason Project/Manatee, \$250,000 is provided for the Florida Holocaust Museum, \$250,000 is provided for Youth Crime Watch of Florida, \$150,000 is provided for the Early High Technology Education Intervention Initiative, \$300,000 is provided for the Bay High School Regional

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Academies, \$1,400,000 is provided for the Center for Creative K-12 Outreach Program, \$200,000 is provided for Hands in Action - Family, Schools and Friends, \$350,000 is provided for Truancy Intervention Program - Hillsborough, \$80,000 is provided for the Brooksville Elementary School Safe and Secure Schools Program, \$510,000 is provided for Dreams are Free, \$900,000 is provided for Sea Trek, \$100,000 is provided for a Middle School Summit, and \$355,368 is provided for the Florida Youth Challenge - Education Lab.

From the funds appropriated in Specific Appropriation 7F, \$1,048,204 is provided to the Miami-Dade County Public Schools Instructional Technology Department to purchase necessary hardware and instructional software to implement a pilot project to improve student performance in reading and math for middle and high schools rated "D" or "F" according to the State's A+ Plan.

7G SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 600,000

Funds appropriated in Specific Appropriation 7G are provided for the Therapeutic Early Childhood and Elementary Severely Emotionally Disturbed Center.

8 SPECIAL CATEGORIES
TRANSFER LOTTERY TO THE EXECUTIVE OFFICE
OF THE GOVERNOR TEACHER RECRUITMENT
CAMPAIGN
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000

Funds appropriated in Specific Appropriation 8 shall be transferred to the Executive Office of the Governor to provide a state level web-site for teacher recruitment and referral.

TOTAL: PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP
FROM TRUST FUNDS 35,400,000
TOTAL ALL FUNDS 35,400,000

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

9 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 94,687,500

Funds provided in Specific Appropriation 9 shall be allocated as follows:

Table with 2 columns: County Name and Amount. Rows include BREVARD (3,745,013), BROWARD (6,112,635), CENTRAL FLA. (1,867,360), CHIPOLA (644,050), DAYTONA BEACH (5,517,878), EDISON (2,295,295), FLORIDA CC @ JAX (9,032,022), FLORIDA KEYS (411,702), GULF COAST (1,606,113), HILLSBOROUGH (4,846,700), INDIAN RIVER (4,019,886), LAKE CITY (972,617), LAKE SUMTER (588,874), MANATEE (1,942,118), MIAMI-DADE (15,358,298), NORTH FLORIDA (435,658), OKALOOSA-WALTON (1,756,799), PALM BEACH (4,231,980), PASCO-HERNANDO (1,400,853), PENSACOLA (3,479,754), POLK (1,464,337), ST. JOHNS RIVER (1,023,084).

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ST. PETERSBURG.....	4,969,921
SANTA FE.....	3,784,410
SEMINOLE.....	3,195,676
SOUTH FLORIDA.....	1,213,983
TALLAHASSEE.....	2,593,001
VALENCIA.....	6,177,483

9A AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - INFORMATION TECHNOLOGY	
ENHANCEMENT GRANTS	
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	1,992,010

Funds in Specific Appropriation 9A shall be allocated to the individual community colleges as follows:

Brevard.....	118,737
Broward.....	65,318
Central Florida.....	41,338
Chipola.....	18,722
Daytona Beach.....	113,662
Edison.....	18,222
Fla. JC @ Jax.....	196,703
Florida Keys.....	7,239
Gulf Coast.....	11,982
Hillsborough.....	151,028
Indian River.....	73,972
Lake City.....	8,986
Lake-Sumter.....	12,148
Manatee.....	14,431
Miami-Dade.....	338,705
North Florida.....	2,413
Okaloosa-Walton.....	43,767
Palm Beach.....	64,982
Pasco-Hernando.....	19,720
Pensacola.....	41,063
Polk.....	24,629
St. Johns River.....	49,509
St. Petersburg.....	196,287
Santa Fe.....	50,590
Seminole.....	43,850
South Florida.....	27,295
Tallahassee.....	71,961
Valencia.....	164,751

9B SPECIAL CATEGORIES	
GRANTS AND AIDS - LIBRARY AUTOMATION	
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	2,000,000

Specific appropriation 9A provides \$2,000,000 in non-recurring funds for the Community College System's portion of the development and operation of a unified library automation system. Release of these funds is contingent upon the State Technology Office approving a plan for the use of these funds that has been approved by the Community College System and State University System and that meets the goal of a unified library automation system. By February 1, 2002, the Community College and State University System library automation offices shall provide a progress report to the State Technology Office and the Legislature.

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS	
FROM TRUST FUNDS	98,679,510
TOTAL ALL FUNDS	98,679,510

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

The funds in Specific Appropriations 10 through 13A shall be used for university enhancements. Funds appropriated herein may be transferred to one or more appropriation categories for expenditure.

10 LUMP SUM	
EDUCATIONAL AND GENERAL ACTIVITIES	
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	81,849,166

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11 LUMP SUM	
INSTITUTE OF FOOD AND AGRICULTURAL	
SCIENCES OPERATIONS	
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	5,445,038

12 LUMP SUM	
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER	
OPERATIONS	
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	2,822,040

13 LUMP SUM	
UNIVERSITY OF FLORIDA HEALTH CENTER	
OPERATIONS	
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	4,571,256

13A SPECIAL CATEGORIES	
CHALLENGE GRANTS	
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	3,992,010

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES	
FROM TRUST FUNDS	98,679,510

TOTAL ALL FUNDS	98,679,510
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TOTAL OF SECTION 1

FROM TRUST FUNDS	946,000,000
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TOTAL ALL FUNDS	946,000,000
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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 161.

Funds in Specific Appropriations 2 through 210 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 15 through 24 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 2001-2002 appropriation, and shall also apply to funds appropriated in Specific Appropriations 14 through 24B.

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.

- 14 FIXED CAPITAL OUTLAY
INTERSTATE VENDING PAVILIONS - STATEWIDE -
DMS MGD
FROM GRANTS AND DONATIONS TRUST FUND . . . 400,000
- 15 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND
REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 219,600,000

Funds provided in Specific Appropriation 15 shall be allocated in accordance with s. 235.435(1), Florida Statutes, as follows:

Public Schools.....	145,878,270
Community Colleges.....	17,509,646
State University System.....	28,512,084
Charter Schools.....	27,700,000

Funds in Specific Appropriation 15 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for the release of funds have been met. These conditions shall include a recommendation for release of funds received from a Land Acquisition and Facilities Advisory Board to be appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Office of Program Policy Analysis and Government Accountability (OPPAGA).

\$27,700,000 in Specific Appropriation 15 shall be for grants and aids to charter schools for facilities and equipment and shall be allocated pursuant to s. 228.0561, Florida Statutes.

- 16 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 203,501,382

Funds in Specific Appropriation 16 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for release of funds have been met. These conditions shall include a recommendation for release of funds received from a Land Acquisition and Facilities Advisory Board to be appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Office of Program Policy Analysis and Government Accountability (OPPAGA).

From the funds provided in Specific Appropriation 16, \$1,737,782 shall be distributed to developmental research schools and allocated in

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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.

- 17 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM GENERAL REVENUE FUND 16,572,994
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 210,449,032

The following community college projects are included in the funds provided in Specific Appropriation 17.

BREVARD	
Gen ren/rem, Fac's 1 OCC. & Fac 4 Gym & site improvements...	3,188,579
Rem/rem Bldgs 5,6,&7-Sci,Tech & Elec Eng Labs-Melb partial..	110,000
BROWARD	
Gen ren/rem, HVAC,comm sys,ADA,roofs,utilities,site imprv...	3,254,091
Rem/rem Bldg 48 Student Svcs - North.....	1,179,312
Rem/rem Bldg 7 Stu Svcs to Tech Ctr - Central partial.....	698,479
Building 22, Criminal Justice Institute, Central partial (spc).....	2,089,160
CENTRAL FLORIDA	
Gen ren/rem, HVAC,mech/elec,ADA,roofing, site improvements..	1,037,903
Rem/rem Bldg 5 & 9 - Main partial.....	1,667,224
Workforce Instructional Bldg 40 - Main partial (p).....	992,033
Workforce/Tech w/rem/rem - Hampton SP Ctr complete (pce)....	1,942,000
CHIPOLA	
Gen ren/rem, utilities,roofs,signage,site imprv,LRC,Aud,S...	763,001
Major Ren/Rem Bldg 20 - complete.....	1,813,328
DAYTONA BEACH	
Stu Svcs/Admin Bldg 7-W;Clsrms/Lab Bldgs Deltona partial (ce).....	1,500,000
Gen ren/rem, undergrd utilities,chiller,Bldgs 12,28, LRC,site imprv.....	2,534,373
Rem/rem Allied Health/Science Bldg 27 - Main.....	4,565,210
Adjacent land acquisition - Main partial (spc).....	640,000
JT Use/Volusia/Flagler/Advanced Technology Center partial...	4,200,000
EDISON	
Clsrms/Distance Lng/Stu Svcs/w Fac Plant Bldg-Main partial (pce).....	8,600,000
Gen ren/rem, energy proj 13 Bldgs,fire safety,HVAC,site imprv.....	1,187,365
Rem/rem Bldgs 1-7,9,10,12,20-26,28 - Main partial.....	1,140,150
Adj land acq, emergency road access-Collier partial (spc)...	600,000
FLORIDA COMMUNITY COLLEGE @ JACKSONVILLE	
Gen ren/rem, ADA,HVAC,lights,utilities,roofs,floors, site imprv.....	3,760,636
Rem/rem Workforce Labs Bldgs B & C - Downtown partial.....	3,568,690
Rem/rem Bldgs C,G,N&T Clsrms/Labs for IT/WF-South partial...	310,000
Adv Tech Ctr.Phase II & III - Downtown partial (pc).....	9,866,421
FCCJ/UNF Joint Use Facility.....	2,000,000
FLORIDA KEYS	
Gen ren/rem, roofs,telecomm,elec/mech/HVAC,ADA,site imprv...	370,148
GULF COAST	
Health/Wellness/Voc Ed Facility - Main partial (ce).....	6,751,166
Gen ren/rem, HVAC,Nat Sci Labs,parking,security sys, site site imp.....	847,980
Rem/rem Social Science Bldg - Main.....	1,285,400
Adjacent land acquisition - Main,Gulf/Franklin,CJ Ctr. partial (spc).....	500,000
Broadcasting/Audio Visual Laboratory-Main complete (pce)....	2,339,879
HILLSBOROUGH	
Gen ren/rem, HVAC,ADA,utilities,comm&security sys,site imprv	1,782,447
Rem/rem Library floors 2 & 3 - Dale Mabry	3,171,412
Rem/rem Business Labs Bldg 206 Off Occ/WP Labs - Ybor City..	351,689
Land & facilities acquisition - Collegewide partial (spc)...	1,800,000
INDIAN RIVER	
Technology Bldg complete (ce).....	1,700,000
Gen ren/rem, roofs,elev,ADA,HVAC,utilities,alarms,site imprv	1,275,969
Rem/rem Bldgs 5, 6 & parts of 3,12,18,20 & 22 - Main partial	3,222,669
Adj land acq - Main,Chastain,Mueller,St. Lucie W partial (spc).....	1,900,000
Center for Teaching and Learning.....	1,000,000

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LAKE CITY	
Gen ren/rem, HVAC,roofs,telecomm,fire&sec sys,road,site imprv.....	779,756
Major Ren/Rem Bldg 22, Granger Hall - complete.....	965,750
Rem/rem Trades & Tech Facility 19 partial.....	1,274,697
LAKE-SUMTER	
Gen ren/rem, HVAC,roofs,telecomm,alarm sys,site imp,ADA,....	558,131
Rem/rem Sci Lab-Sumter Ctr;Rm 116-SL Ctr;MP Bldg-Main partial.....	626,568
Adjacent land acquisition - South Lake (spc).....	600,000
MANATEE	
WF Dev/IT/Gen Clsrms Bldgs-Lakewood Ranch complete(ce).....	4,360,751
Gen ren/rem, utilities,water sys,HVAC,paving,roofs, soffits,ADA.....	1,266,172
Rem/rem Bldgs 100,200,& 300 - Main.....	1,532,899
Rem/rem Clsrms/Labs Bldgs 5001-2 - Bradenton partial.....	143,588
MIAMI-DADE	
Bldg 7000(Parking Facility for Phase III) - Wolfson complete(ce).....	2,500,000
Gen ren/rem - collegewide.....	7,361,938
Rem/rem clsrms,labs,sup fac - Wolfson.....	3,818,753
Rem/rem clsrms/labs/sup fac - InterAmerican.....	2,981,522
Rem/rem Labs/clsrms,sup fac,bldg sys Pac 5 & 15 - North partial	500,000
Rem/rem Computer Courtyard Bldg 2000 - Kendall partial.....	278,330
Land & facilities acquisition - Wolfson (spc).....	1,100,000
Rem/rem Emerging Technologies Ctr. - Wolfson partial.....	5,259,869
NORTH FLORIDA	
Gen ren/rem, site imp,roofing,handicap access,ADA.....	431,302
Rem/rem Tech Ctr/Nursingw/Health Ed addition partial.....	1,177,189
Computer Labs & Instr Clerical Suites complete (pce)....	1,219,342
OKALOOSA-WALTON	
Library Bldg - Main complete (ce).....	3,164,105
Gen ren/rem, utilities,energy mgt,parking,siteimps,safety, elec.....	1,004,125
Rem/rem Bldg 50 LRC to Health Tech WF Labs-Niceville partial.....	1,124,345
PALM BEACH	
Workforce Training Ctr Ph 1/w local match-Cent comp (ce)....	4,688,012
Gen ren/rem,safety,comm sys, EMS,roofs,parkg,utilities lights,rds.....	3,161,236
Rem/rem Bldgs 104 - Central; 104 - South.....	4,245,080
Rem/rem Humanities Bldg 120 - Central partial.....	170,855
Rem/rem Tech Bldg 230 Electronic Labs - Central.....	482,643
Rem/rem Allied Health Bldg 208 Nursing Labs-Central.....	835,512
PASCO-HERNANDO	
Gen ren/rem, roofs,HVAC,elec sys in demountables,ADA.....	1,212,727
Rem/rem Bldgs 1 Clsrms/Labs/Admin - East partial.....	1,725,687
Adj land acq, ingress/egress CJ Ctr.-East partial (spc)....	300,000
PENSACOLA	
Gen ren/rem, indoor airq,HVAC, Tech Bldg, roofs,site imp, lights.....	2,610,218
Rem/rem Health Education Bldg - Warrington.....	1,557,709
Adjacent land acquisition - Main partial (spc).....	500,000
POLK	
Gen ren/rem, Lakeland roofs,comm sys,ADA,HVAC,road,.....	1,500,864
JT-Use /USF Technology Center Lakeland partial (spc).....	2,270,149
SANTA FE	
Library Addition complete (ce).....	1,456,745
Gen ren/rem, drainage,panels,HVAC,utilities sys,roofs, site imp.....	1,437,710
Rem/rem old Library Bldg P to Clsrms partial.....	2,223,191
Rem/rem Bldgs H Drafting,W Chem Tech & N Bus DP.....	1,186,766
Adjacent land acquisition partial (spc).....	800,000
SEMINOLE	
Clsrms,Sci Labs,Office Bldgs-East Ctr. Ph IC complete(e)....	1,800,000
Gen ren/rem,e-mgt sys,road,utilities,comm sys,parking,site dev.....	1,291,090
Rem/rem Comp and Teaching Labs Bldg V(401) partial.....	2,756,000
WF/Clsrms,tech Labs Bldg w/land - 1-4 SP Ctr partial (spc)..	3,100,000
SOUTH FLORIDA	
Gen ren/rem, roofing,lights,drainage,ADA,site improvement...	496,459
Rem/rem Lecture Ctr 400 & Cafeteria 700.....	731,118
Dental Hygiene/Dental Assisting - complete (pce).....	2,487,463

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Ed/Workforce/Tech -Hardee SP Cntr. Partial (spc).....	773,698
Ed/Workforce/Tech -DeSoto SP Cntr. Partial (spc).....	784,943
ST. PETERSBURG	
Clsrms,Labs,Offices Ph II - TS complete (ce).....	4,163,979
Tech & Bus Dev Ctr Phase I - EpiCenter complete (ce).....	4,500,000
Gen ren/rem, roofs,HVAC,ADA,site improvements.....	4,092,167
Major Ren/Rem Soc Arts/Tech Bldgs-SP/G partial.....	5,399,711
Rem/rem Crossroads Bldg - CL partial.....	2,816,445
Rem/rem Voc & Fire Sci Labs w/site dev - Allstate.....	548,515
Rem/rem Fla Internat'l Museum - Downtown SP Ctr.....	2,604,688
ST. JOHNS RIVER	
Gen ren/rem, HVAC,roofs,ADC,fire&sec sys,utilities, site imprv.....	866,508
Rem/rem 1st fl LRC,Bus Adm&Bus Ed w/addition-Palatka partial.....	210,000
Criminal Justice Institute - St. Augustine partial (p).....	216,729
TALLAHASSEE	
Gen ren/rem, roofs,infrastructure,utilities,comm sys, HVAC,ADA.....	827,736
Ren/rem, life/safety,HVAC,water sys,road,site imprv-PTLEA...	2,098,489
Adjacent land acquisition partial (spc).....	500,000
Library Building's Second Half/Phase II partial (pce).....	3,965,000
VALENCIA	
Gen ren/rem, HVAC,roofs,utilities,site improvements- collegewide.....	1,968,388
Major Ren/Rem Sci Bldg 1A - East complete.....	4,200,000
Rem/rem Humanities & Soc Sci Bldgs - West partial.....	778,557
Workforce Dev Bldg 9 - East partial (p).....	936,843
Clsrms,Voc & Tech Labs Bldg 8 E/w local match complete (pce).....	2,956,550
Technical Science Bldg 3 IT/WF - Osceola partial (pc).....	1,250,000
18 FIXED CAPITAL OUTLAY	
STATE UNIVERSITY SYSTEM PROJECTS	
FROM GENERAL REVENUE FUND	16,572,994
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND	211,669,618
The following projects in the State University System are included in the funds appropriated in Specific Appropriation 18.	
SUS	
Critical Deferred Maintenance.....	20,801,986
FAMU	
Utilities/Infrastructure/Capital Renewal/Roofs (p,c).....	1,549,381
Journalism Building (C,E).....	1,100,000
Coleman Library Expansion (C,E).....	2,035,500
Campus Electrical Upgrades (P,C).....	2,545,500
Land Acquisition (s).....	1,500,000
Law School Building (P).....	4,331,551
Pharmaceutical Research Facilities.....	1,500,000
Carnegie Library Remodeling/Expansion.....	2,000,000
FAU	
Utilities/Infrastructure/Capital Renewal/Roofs (P,C).....	1,500,000
Life Behavioral Science Complex Renov/Expansion (E).....	2,500,000
Student Support Service Building (C).....	13,200,000
North Palm Beach Jupiter Library Expansion (P).....	500,000
College of Business Expansion/Remodeling (P).....	800,000
FAU/HBOI Marine Science Partnership (P).....	997,860
FGCU	
Multi-Purpose Building (E).....	700,000
Teaching Gymnasium (C,E).....	4,695,188
Classroom/Offices/Labs, Academic 5 (C).....	5,800,000
Library Expansion (C,E).....	7,500,000
FIU	
Utilities/Infrastructure/Capital Renewal/Roofs (P,C).....	2,750,000
Health & Life Sciences Expansion/Rem/Renov (C,E).....	6,484,330
Law School Building (P).....	4,331,551
Office/Classroom Building (P).....	800,000
North Campus Science/Classroom Building (P).....	750,000
FSU	
Utilities/Infrastructure/Capital Renewal/Roofs (P,C).....	3,250,000
Montgomery Gym Remodeling (C,E).....	3,000,000
Basic Sciences Building (P,C,E).....	15,000,000

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Building Envelope Improvements (P).....	250,000
Education & Study Center - Sarasota.....	1,000,000
North Addition to the Museum - Sarasota.....	6,000,000
Campuswide Projects - Sarasota.....	1,900,000
Circus Museum - Sarasota.....	200,000
Art Museum - Sarasota.....	3,895,100
Asolo Theatre - Sarasota.....	1,993,200
Support Building - Sarasota.....	225,200
Psychology Center (P,C).....	7,500,000

UCF

Utilities/Infrastructure/Capital Renewal/Roofs (P,C)....	1,500,000
Biological Sciences Annex & Remodeling (E).....	1,125,000
Teaching Center (C).....	5,700,000
Business Building (C).....	8,500,000
Education Building Remodeling (P).....	500,000

UF

Utilities/Infrastructure/Capital Renewal/Roofs (P,C)....	3,250,000
Health Professions/Nursing/Pharmacy Complex (E).....	1,170,000
Constans Theatre Addition (C).....	6,606,000
Library West Addition & Renovation (P).....	2,236,000
UF - Whitney Lab.....	3,492,500
UF Genetics Institute.....	5,000,000
IFAS Aquaculture Research and Demonstration Facility.....	4,600,000

UNF

Utilities/Infrastructure/Capital Renewal/Roofs (P,C)....	1,500,000
Science/Engineering Lab/Office Building (E).....	3,000,000
Library Addition (C).....	8,200,000
UNF Teacher In-service Center-Clay County.....	2,500,000
UNF/Edward Waters Joint-use Facility.....	2,000,000

USF

Utilities/Infrastructure/Capital Renewal/Roofs (P,C)....	2,500,000
Kopp Engineering Bldg. Remodeling (E).....	400,000
Natural & Environmental Sciences Bldg. (C).....	13,200,000
Chemistry Building Remodeling (P).....	900,000
Marine Science Aquatic Lab (P).....	1,000,000
Medical School Outpatient Facility.....	1,000,000
Nursing/Health Care and Education Center, Phase II (p)....	3,400,000
JT-Use/Polk CC Technology Center Lakeland partial (S,P,C).	2,270,149

UNF

Utilities/Infrastructure/Capital Renewal/Roofs (P,C)....	3,000,000
Fieldhouse Renovation & Expansion.....	4,500,000
Center for Fine Arts Dance Studio Addition (P,C,E).....	306,616

19 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 57,036,968

Funds provided in Specific Appropriation 19 shall be allocated pursuant to s. 235.435(2), Florida Statutes for the following projects:

Baker County - New Elementary School "B" (s,p,c,e).....	10,629,238
Gadsden County - New High School (s,p,c,e).....	14,869,394
Jackson County - New Marianna High School (s,p,c,e).....	9,949,139
Taylor County - New Elementary School "A" (s,p,c,e).....	10,255,690
Wakulla County - New Elementary School (s,p,c,e).....	11,333,507

Funds provided in Specific Appropriation 19 for the Jackson County New Marianna High School are contingent upon Senate Bill 462 or similar legislation becoming law.

20 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 614,510,000
FROM SCHOOL DISTRICT AND COMMUNITY
COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT
SERVICE TRUST FUND 92,000,000

20A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND
COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY
COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT
SERVICE TRUST FUND 13,400,000

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21 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND -
CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 10,310,000

Funds provided in Specific Appropriation 21 are for the following projects:

Vocational Building.....	5,000,000
Campus Safety Related Projects.....	480,000
Renovations.....	4,825,000
Master Plan Update.....	5,000

21A FIXED CAPITAL OUTLAY
DIVISION OF BLIND SERVICES - CAPITAL
PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 300,000

Funds in Specific Appropriation 21A are for equipment for the Division of Blind Services library in Daytona Beach.

23 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 7,683,000

Funds provided in Specific Appropriation 23 shall be used for the following projects:

WUFT-TV/FM - Gainesville - (e).....	975,000
WEDU-TV - Tampa - (e).....	950,000
WLRN-TV/FM - Miami - (e).....	250,000
WBCC-TV - Cocoa - (e).....	1,400,000
WSRE-TV - Pensacola - (p).....	300,000
WMFE-TV - Orlando - (p).....	228,000
WPBT-TV - Miami - (e).....	3,400,000
WFSU-TV - Tallahassee - (c).....	180,000

23A FIXED CAPITAL OUTLAY
PUBLIC SCHOOL FACILITIES
FROM GENERAL REVENUE FUND 6,600,000

Funds provided in Specific Appropriation 23A are for the following projects:

Heartland Educational Consortium	500,000
Leon Cty Reimbursement for TCC/LAW Enf (PTLEF Transfer)....	1,000,000
Manatee County Emerson Point Environmental Center.....	600,000
Manatee County Community High School planning.....	1,500,000
Okaloosa County Ft. Walton Beach HS Addition & Renovation...	3,000,000

24 FIXED CAPITAL OUTLAY
VOCATIONAL-TECHNICAL FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 2,850,000

From funds in Specific Appropriation 24, the sum of \$2,850,000 is provided to Manatee County for a satellite campus of Manatee Technical Institute pursuant to s. 235.199, Florida Statutes.

24A FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CONCURRENCY
REQUIREMENTS
FROM STATE UNIVERSITY SYSTEM CONCURRENCY
TRUST FUND 10,550,000

From the funds in Specific Appropriation 24A, up to \$3,000,000 shall be available to FSU to correct drainage problems in the Howser Stadium area.

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24B FIXED CAPITAL OUTLAY
IFAS REC CONSOLIDATION
FROM UF IFAS RELOCATION AND CONSTRUCTION
TRUST FUND 450,000

From funds in Specific Appropriation 24B, pursuant to Chapter 90-148, Laws of Florida, IFAS is authorized to expend funds for general site improvements, new construction, renovation, repairs, and/or remodeling for animal science facilities statewide.

From funds appropriated within item 24B up to \$151,000 may be expended to purchase equipment at the North Florida Beef Facility.

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 39,745,988
FROM TRUST FUNDS 1654,710,000
TOTAL ALL FUNDS 1694,455,988

VOCATIONAL REHABILITATION

25 SALARIES AND BENEFITS POSITIONS 928
FROM GENERAL REVENUE FUND 7,700,404
FROM FEDERAL REHABILITATION TRUST FUND 28,136,010

From the funds in Specific Appropriations 25 through 33A, 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 2001-2002 Standards
OUTCOMES:	
Rate and number of customers gainfully employed (rehabilitated) at least 90 days.....	65%/11,500
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

From Funds in Specific Appropriations 25 through 33A for the Vocational Rehabilitation program, 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. 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 Access Opportunity Commission is authorized to submit 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.

26 OTHER PERSONAL SERVICES
FROM FEDERAL REHABILITATION TRUST FUND 819,103

27 EXPENSES
FROM FEDERAL REHABILITATION TRUST FUND 11,851,736

28 OPERATING CAPITAL OUTLAY
FROM FEDERAL REHABILITATION TRUST FUND 480,986

28A SPECIAL CATEGORIES
VOCATIONAL REHABILITATIVE SERVICES
FROM GENERAL REVENUE FUND 400,000

From the funds in Specific Appropriation 28A, \$400,000 from the General Revenue Fund is provided for the Centers for Independent Living.

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29 SPECIAL CATEGORIES
ASSISTIVE CARE SERVICES
FROM GENERAL REVENUE FUND 400,000

29A SPECIAL CATEGORIES
GRANTS AND AIDS - MODEL DISABILITIES
TRAINING PROGRAM
FROM GENERAL REVENUE FUND 200,000

30 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM FEDERAL REHABILITATION TRUST FUND 2,950,983

31 SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM FEDERAL REHABILITATION TRUST FUND 3,374,083

From Specific Appropriation 31, for the Centers for Independent Living, each center will receive an initial allocation of \$50,000. The balance of the appropriation will be allocated among the centers by a formula based on population, district cost differential, and sparsity. These funds shall be used by the Centers for Independent Living to provide the four core services and other independent living services as defined in the State Plan for Independent Living and section 7 of the Rehabilitation Act of 1973, as Amended, for persons with any eligible disability.

32 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 16,185,502
FROM FEDERAL REHABILITATION TRUST FUND 56,828,291

From the funds in Specific Appropriation 32, \$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 32 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.

33 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FEDERAL REHABILITATION TRUST FUND 481,796

33A 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 25,102,751
FROM TRUST FUNDS 105,688,864

TOTAL POSITIONS 928
TOTAL ALL FUNDS 130,791,615

BLIND SERVICES, DIVISION OF

From the funds in Specific Appropriations 35 through 48, 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 shall meet the following performance standards.

Performance Measures	FY 2001-2002 Standards
.....	

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OUTCOMES:
|-----|
|Rate/number of rehabilitation customers gainfully employed
|at least 90 days.....68.3%/847|
| |
|Additional approved performance measures and standards are
|established in the FY 2001-2002 Implementing Bill and are
|incorporated herein by reference. |
=====

35	SALARIES AND BENEFITS	POSITIONS	306	
	FROM GENERAL REVENUE FUND		3,366,666	
	FROM FEDERAL REHABILITATION TRUST FUND . .			7,379,410
36	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		12,591	
	FROM FEDERAL REHABILITATION TRUST FUND . .			95,354
	FROM GRANTS AND DONATIONS TRUST FUND . . .			95,047
37	EXPENSES			
	FROM GENERAL REVENUE FUND		412,945	
	FROM FEDERAL REHABILITATION TRUST FUND . .			2,321,014
	FROM GRANTS AND DONATIONS TRUST FUND . . .			29,000
38	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES			
	FROM FEDERAL REHABILITATION TRUST FUND . .		4,281,584	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			1,459,121
39	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		58,590	
	FROM FEDERAL REHABILITATION TRUST FUND . .			7,698
40	FOOD PRODUCTS			
	FROM FEDERAL REHABILITATION TRUST FUND . .			79,920
41	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CLIENT SERVICES			
	FROM GENERAL REVENUE FUND		2,750,671	
	FROM FEDERAL REHABILITATION TRUST FUND . .			94,440
	FROM GRANTS AND DONATIONS TRUST FUND . . .			563,277
	Specific Appropriation 41 includes \$1 million from the General Revenue Fund for the Blind Babies Program.			
42	SPECIAL CATEGORIES			
	GRANTS AND AIDS - VOCATIONAL REHABILITATION			
	FROM GENERAL REVENUE FUND		3,451,911	
	FROM FEDERAL REHABILITATION TRUST FUND . .			4,356,954
42A	SPECIAL CATEGORIES			
	GRANTS AND AIDS - LEARNING THROUGH LISTENING			
	FROM GENERAL REVENUE FUND		750,000	
43	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		169,891	
	FROM FEDERAL REHABILITATION TRUST FUND . .			439,611
44	SPECIAL CATEGORIES			
	LIBRARY SERVICES			
	FROM GENERAL REVENUE FUND		50,000	
45	SPECIAL CATEGORIES			
	VENDING STANDS - EQUIPMENT AND SUPPLIES			
	FROM FEDERAL REHABILITATION TRUST FUND . .			1,002,707
	FROM GRANTS AND DONATIONS TRUST FUND . . .			895,000

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46	DATA PROCESSING SERVICES			
	KNOTT DATA CENTER - DEPARTMENT OF EDUCATION			
	FROM GENERAL REVENUE FUND		19,216	
	FROM FEDERAL REHABILITATION TRUST FUND . .			410,576
47	DATA PROCESSING SERVICES			
	OTHER DATA PROCESSING SERVICES			
	FROM FEDERAL REHABILITATION TRUST FUND . .			123,280
48	DATA PROCESSING SERVICES			
	REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM			
	FROM GENERAL REVENUE FUND		4,162	
	FROM FEDERAL REHABILITATION TRUST FUND . .			115,838
	TOTAL: BLIND SERVICES, DIVISION OF			
	FROM GENERAL REVENUE FUND		11,046,643	
	FROM TRUST FUNDS			23,749,831
	TOTAL POSITIONS		306	
	TOTAL ALL FUNDS			34,796,474
	PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES			
51	SPECIAL CATEGORIES			
	GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY			
	FROM GENERAL REVENUE FUND		2,000,000	
	Funds in Specific Appropriation 51 may be advance funded on a quarterly basis.			
51A	SPECIAL CATEGORIES			
	HISTORICALLY BLACK PRIVATE COLLEGES			
	FROM GENERAL REVENUE FUND		7,974,038	
	Funds in Specific Appropriation 51A, shall be allocated as follows:			
	Bethune Cookman College.....		2,851,999	
	Edward Waters College.....		2,601,999	
	Florida Memorial College.....		2,351,999	
	Library Resources.....		168,041	
	Funds in Specific Appropriation 51A for Bethune-Cookman College, Edward Waters College and Florida Memorial College are for increasing access, retention and graduation at each institution. Florida Memorial may also allocate some of its funding for the Distance Learning Center and the Minority Teacher Education Institute. Each college president shall submit a proposed expenditure plan to the Department of Education prior to the release of these funds. Such plan shall include quantified fiscal and programmatic performance data to support the Legislature's performance-based budgeting initiatives. The Department of Education may serve as a resource for the colleges in developing this information.			
	Funds in Specific Appropriation 51A for Library Resources shall be used for the purchase of books and other related library materials, such as audio and media resources, pursuant to section 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 Department of Education.			
57	SPECIAL CATEGORIES			
	GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL			
	FROM GENERAL REVENUE FUND		18,145,202	
	Funds provided in Specific Appropriation 57 provide \$32,290.40 each for 500 Florida residents attending the University of Miami Medical School and \$2,000,000 for cancer research.			

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59A SPECIAL CATEGORIES
ACADEMIC PROGRAM CONTRACTS
FROM GENERAL REVENUE FUND 2,327,177

Funds in Specific Appropriation 59A shall be released by the Department of Education to the following private colleges and universities:

University of Miami	\$ 1,800,616
Florida Institute of Technology	223,728
Barry University	175,873
Nova/Southeastern University	98,670
Limited Access Grants	\$ 28,290

These funds may be allocated at the discretion of the individual university presidents for the following programs:

University of Miami: BS Industrial Engineering, BS Music Engineering, BS Architectural Engineering, BS and MS in Nursing, MS Biomedical Engineering, Rosenstiel Marine Science, Bimini Biological Field Station. However, from these funds, no less than \$1,076,000 shall be allocated for the PHD in Bio- medical Science and no less than \$349,897 shall be allocated for the BS in Motion Pictures.

Florida Institute of Technology: BS Engineering, Science Education.

Barry University: BS Nursing, MSW Social Work.

Nova/Southeastern University: MS in Speech Pathology.

Each university president shall submit a proposed expenditure plan to the Department of Education, for each program, and prior to the release of these funds. Such plan shall include quantified fiscal and programmatic performance data by program, as required, to support the Legislature's performance-based budgeting initiatives. The Department of Education shall review each plan for compliance and shall identify corrective actions to be taken by an institution not meeting the prescribed standards.

70 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH/
UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 1,000,000
FROM EDUCATIONAL AIDS TRUST FUND 500,000

71 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL DIABETES CENTER
- UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 677,609

78 SPECIAL CATEGORIES
FLORIDA RESIDENT ACCESS GRANT
FROM GENERAL REVENUE FUND 70,830,388

Funds in Specific Appropriation 78 shall be used for tuition assistance for qualified Florida residents. Funds are provided to support 26,370 students at \$2,686 per student. The Office of Student Financial Assistance may prorate the award in the event more than 26,370 students are deemed to be Florida residents.

78A SPECIAL CATEGORIES
NOVA SOUTHEASTERN UNIVERSITY - HEALTH
PROGRAMS
FROM GENERAL REVENUE FUND 5,605,562

Funds in Specific Appropriation 78A are to support Florida residents enrolled in the Osteopathy, Optometry, and Pharmacy programs. The university shall submit student enrollment information, by program, as a part of the quarterly release of appropriations. \$125,000 is to support rural and unmet needs.

TOTAL: PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES
FROM GENERAL REVENUE FUND 108,559,976
FROM TRUST FUNDS 500,000

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TOTAL ALL FUNDS 109,059,976

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

79 SALARIES AND BENEFITS POSITIONS 102
FROM GENERAL REVENUE FUND 1,097,494
FROM STUDENT LOAN OPERATING TRUST FUND 2,909,106
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 116,150

80 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 239,928
FROM STUDENT LOAN OPERATING TRUST FUND 596,540

81 EXPENSES
FROM GENERAL REVENUE FUND 209,121
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 234,172
FROM STUDENT LOAN OPERATING TRUST FUND 2,978,394
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 67,365
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 55,756

82 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,523
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 80,000
FROM STUDENT LOAN OPERATING TRUST FUND 696,005
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 6,000

83 SPECIAL CATEGORIES
CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 90,118,769

84 SPECIAL CATEGORIES
FINANCIAL AID CONTRACTUAL SERVICES
FROM GENERAL REVENUE FUND 38,924

85 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STUDENT LOAN OPERATING TRUST FUND 2,962,807

Specific Appropriation 85 includes \$2,000,000 for the development of a student loan processing system. The Executive Office of the Governor shall not release these funds until the release has been approved by the Legislative Budget Commission, pursuant to the notice, review, and objection procedures established in s. 216.177, F.S. The budget amendment submitted by the department must include a complete project overview and feasibility study, including business case, project management plan, and major project risk assessment. The overview and study must be developed in consultation with the Technology Review Workgroup.

85A SPECIAL CATEGORIES
STUDENT FINANCIAL ASSISTANCE MANAGEMENT INFORMATION SYSTEM
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 1,485,105

Funds in Specific Appropriation 85A are provided to implement the updated management information system for the Bureau of Student Financial Assistance. The State Student Financial Assistance Database project shall be subject to special monitoring under s. 282.322, F.S., from July 1, 2001, through December 1, 2001, or upon the successful transition from system development to operation and maintenance, whichever is later. From the funds in Specific Appropriation 85A, \$80,0000, which is provided for the project monitoring contract, shall

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be transferred to the Technology Review Workgroup within the Legislature by the Executive Office of the Governor pursuant to the provisions of Chapter 216, F.S.

86	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,920	
	FROM STUDENT LOAN OPERATING TRUST FUND . .		8,758
TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	1,596,910	
	FROM TRUST FUNDS		102,314,927
	TOTAL POSITIONS	102	
	TOTAL ALL FUNDS		103,911,837

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

Performance		FY 2001-02
Measures		Standards

OUTCOMES:		

Percent of high school graduates attending Florida postsecondary		
institutions.....		.52%

Additional approved measures and standards are established in the FY		
2001-02 Implementing Bill and are incorporated herein by reference.		

87	SPECIAL CATEGORIES		
	NURSE SCHOLARSHIP LOAN PROGRAM		
	FROM NURSING STUDENT LOAN FORGIVENESS		
	TRUST FUND		686,656
88	SPECIAL CATEGORIES		
	GRANTS AND AIDS - AFRICAN AND AFRO-		
	CARIBBEAN SCHOLARSHIP PROGRAM		
	FROM STATE STUDENT FINANCIAL ASSISTANCE		
	TRUST FUND		36,150

Funds provided in Specific Appropriation 88 are to pay eligible costs for scholarships awarded prior to the 1997-98 academic year. No new awards may be made for the 2001-2002 academic year. It is the intent of the Legislature to phase out this program.

89	SPECIAL CATEGORIES		
	PREPAID TUITION SCHOLARSHIPS		
	FROM GENERAL REVENUE FUND	2,700,000	
	FROM STATE STUDENT FINANCIAL ASSISTANCE		
	TRUST FUND		400,000

89A	SPECIAL CATEGORIES		
	TRANSFER TO STATE STUDENT FINANCIAL		
	ASSISTANCE TRUST FUND		
	FROM GENERAL REVENUE FUND	57,912,398	

90	SPECIAL CATEGORIES		
	GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN		
	BASIN PROGRAM		
	FROM STATE STUDENT FINANCIAL ASSISTANCE		
	TRUST FUND		14,940

Funds provided in Specific Appropriation 90 are to pay eligible costs for scholarships awarded prior to the 1997-98 academic year. No new awards may be made for the 2001-2002 academic year. It is the intent of the Legislature to phase out this program.

91	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MINORITY TEACHER		

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SCHOLARSHIP PROGRAM		
FROM GENERAL REVENUE FUND	2,250,000	

91A	SPECIAL CATEGORIES		
	ETHICS IN BUSINESS SCHOLARSHIPS		
	FROM STATE STUDENT FINANCIAL ASSISTANCE		
	TRUST FUND		500,000

91B	FINANCIAL ASSISTANCE PAYMENTS		
	FLORIDA STUDENT ASSISTANCE GRANTS FOR PART-		
	TIME STUDENTS		
	FROM GENERAL REVENUE FUND	3,828,086	

Funds in Specific Appropriation 91B shall be expended in accordance with SB 1330, or similar legislation establishing a need-based financial aid program for part-time students. These funds are not contingent upon the passage of SB 1330 or similar legislation.

92	FINANCIAL ASSISTANCE PAYMENTS		
	MARY MCCLEOD BETHUNE SCHOLARSHIP		
	FROM GENERAL REVENUE FUND	235,328	
	FROM STATE STUDENT FINANCIAL ASSISTANCE		
	TRUST FUND		444,000

93	FINANCIAL ASSISTANCE PAYMENTS		
	STUDENT FINANCIAL AID		
	FROM STATE STUDENT FINANCIAL ASSISTANCE		
	TRUST FUND		76,761,094

The funds in Specific Appropriation 93 are provided in the amounts specified for each scholarship and grant program listed below.

State Student Financial Assistance Trust Fund:

Public Student Assistance Grant (Full-time).....	51,941,504
Private Student Assistance Grant.....	10,737,529
Postsecondary Student Assistance Grant.....	7,368,317
Children of Deceased/Disabled Veterans.....	333,250
Florida Work Experience Program.....	1,069,922
Critical Teacher Shortage Program.....	3,479,133
Florida Scholarship/Forgivable Loan Program.....	1,392,750
Exceptional Child Scholarship.....	82,159
Seminole/Miccosukee Indian Scholarships.....	45,780
Occupational/Physical Therapy Shortage Program.....	98,250
Rosewood Family Scholarships.....	100,000
Instructional Aide/Critical Teacher Shortage Program.....	112,500

From the funds provided in Specific Appropriation 93, 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 93 for the Florida Work Experience Program, \$200,000 shall be allocated to complete the pilot project to expand access for vocational students with financial need who are enrolled in a Postsecondary Adult Vocational program of at least 150 hours in length. A final report shall be submitted to the Legislature by the Department of Education on or before August 1, 2002. The report shall include an evaluation of the success of the program expansion, including a description of the number of participants by program, public and private sector placements, barriers to greater success, and recommendations for statutory and rule revisions which would encourage full student and institutional participation in the program.

From the funds appropriated in Specific Appropriation 93, \$112,500 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, technology education, English for Speakers of Other Languages, and exceptional student education. The scholarship program shall provide up to \$3,000 as reimbursement for matriculation and fees per year.

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Funds provided in Specific Appropriation 93 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.

94	FINANCIAL ASSISTANCE PAYMENTS JOSE MARTI SCHOLARSHIP CHALLENGE GRANT		
	FROM GENERAL REVENUE FUND	100,000	
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		196,000
95	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	68,025,812	
	FROM TRUST FUNDS		79,038,840
	TOTAL ALL FUNDS		147,064,652
PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL			
96	FINANCIAL ASSISTANCE PAYMENTS STUDENT FINANCIAL AID		
	FROM EDUCATIONAL AIDS TRUST FUND		1,314,400
97	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		3,301,400
	TOTAL ALL FUNDS		3,301,400
PUBLIC SCHOOLS, DIVISION OF			
PROGRAM: EXECUTIVE DIRECTION SUPPORT SERVICES			
98	SALARIES AND BENEFITS POSITIONS 137		
	FROM GENERAL REVENUE FUND	6,708,665	
	FROM EDUCATIONAL AIDS TRUST FUND		305,725
99	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	87,800	
	FROM EDUCATIONAL AIDS TRUST FUND		10,780
100	EXPENSES		
	FROM GENERAL REVENUE FUND	2,476,135	
	FROM EDUCATIONAL AIDS TRUST FUND		61,548
101	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	175,335	
101A	LUMP SUM DATA WAREHOUSE		
	POSITIONS 12		
	FROM GENERAL REVENUE FUND	3,600,000	
	FROM PRINCIPAL STATE SCHOOL TRUST FUND		100,000

Funds appropriated in Specific Appropriation 101A are provided for the development of a data warehouse to facilitate measurement of student and school improvement in conjunction with the "A+" initiative. These funds shall be used to support ongoing contractual services for design and development of the data warehouse, to maintain database software, and to establish expertise within the department to maintain and enhance this data warehouse as components are delivered by the contractor and placed into a production environment.

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102	SPECIAL CATEGORIES CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	536,792	
	FROM PRINCIPAL STATE SCHOOL TRUST FUND		10,000,000

From the funds appropriated in Specific Appropriation 102, \$536,792 from the General Revenue fund is provided for network infrastructure enhancement for the Department of Education Turlington building.

From the funds appropriated in Specific Appropriation 102, \$10,000,000 from the Principal State School Trust Fund is provided for technology initiatives that will benefit students and teachers. The Office of Technology and Information Services in the Department of Education shall convene a panel of recognized authorities in the field of education technology as the Technology Review Group (TRG). The TRG shall review and evaluate existing and emerging technologies that affect the performance of students and teachers. The TRG shall receive, evaluate and rank the responses to this request for proposals and shall award grants for these technology funds by December 1, 2001. These funds shall not be released until the plan for their use is approved by the Legislative Budget Commission.

103	SPECIAL CATEGORIES LITIGATION EXPENSES		
	FROM GENERAL REVENUE FUND	24,562	
104	SPECIAL CATEGORIES PROVISION OF CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	500,000	
105	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	55,535	
106	DATA PROCESSING SERVICES KNOTT DATA CENTER - DEPARTMENT OF EDUCATION		
	FROM GENERAL REVENUE FUND	2,252,583	
	FROM EDUCATIONAL AIDS TRUST FUND		293,456
107	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	17,055,593	
	FROM TRUST FUNDS		10,905,678
	TOTAL POSITIONS	149	
	TOTAL ALL FUNDS		27,961,271
PROGRAM: STATE OVERSIGHT & ASSISTANCE - PUBLIC SCHOOLS			
	From the funds appropriated in Specific Appropriations 108, 109 and 110, the Department of Education is authorized to collect a registration fee for 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.).		
108	SALARIES AND BENEFITS POSITIONS 313		
	FROM GENERAL REVENUE FUND	9,227,912	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		2,025,203
	FROM EDUCATIONAL AIDS TRUST FUND		2,282,975
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		1,712,559
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		686,504
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		268,895

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From the funds appropriated in Specific Appropriations 108, 109 and 110 for oversight of school district management practices, the Commissioner of Education shall determine whether classroom teachers in each school district are being required to use the ESE Matrix of Services for any students other than students funded in Support Levels IV and V of the Florida Education Finance Program. A report containing findings shall be provided to the Governor and the Legislature on or before January 15, 2002. This report shall include a detailed explanation for districts which continue to require use of the matrix.

109	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	684,592
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND	189,279
	FROM EDUCATIONAL AIDS TRUST FUND	251,351
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND	23,425
	FROM FOOD AND NUTRITION SERVICES TRUST FUND	104,555
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND	154,921
110	EXPENSES	
	FROM GENERAL REVENUE FUND	3,612,120
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND	735,902
	FROM EDUCATIONAL AIDS TRUST FUND	1,187,519
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND	519,138
	FROM FOOD AND NUTRITION SERVICES TRUST FUND	519,957
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND	123,519

From the funds in Specific Appropriation 110, the Commissioner of Education is authorized to contract with a state university to implement the common course numbering system.

From the funds appropriated in Specific Appropriation 110 for maintenance of the state's student database, the Commissioner of Education shall convene a working group of school district and department staff responsible for student enrollment forecasts. This working group shall identify new data elements that shall be added to the state's student database in order to identify and explain trends that influence the in- and out- migration of students from districts. These additional data elements shall measure both economic and demographic trends and the effects of educational policy changes made by the department and by the Legislature. These data elements shall be collected beginning with the 2001-2002 school year and shall be reported sufficiently in advance of student enrollment estimating conferences to permit thorough analysis of the data.

111	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	159,760
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND	143,440
	FROM EDUCATIONAL AIDS TRUST FUND	379,164
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND	15,000
112	SPECIAL CATEGORIES	
	ASSESSMENT AND EVALUATION	
	FROM GENERAL REVENUE FUND	40,692,371
	FROM PRINCIPAL STATE SCHOOL TRUST FUND	4,800,000
	FROM SOPHOMORE LEVEL TEST TRUST FUND	782,107
	FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND	3,605,776

Funds appropriated in Specific Appropriation 112 shall be used by 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.

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Funds appropriated in Specific Appropriation 112 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.

From funds appropriated in Specific Appropriation 112, \$1,600,000 from General Revenue 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 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 Commissioner of Education. The department shall pay the cost of the preliminary college entrance examinations directly to the providers.

From the funds appropriated in Specific Appropriation 112, \$4,800,000 from the Principal State School Trust Fund is provided for FCAT assessment contracts that require expedited scoring of performance items. Contracts must require that performance item scores shall be received by the Commissioner of Education on or before May 24, 2002. These contracts shall also provide financial penalties for late receipt of scores.

From funds appropriated in Specific Appropriation 112, \$1,639,764 from General Revenue is provided for the administration of a School Readiness Uniform Screening instrument. Funds shall be used for the purchase of the test instruments, training, scoring and systems processing. The results of this assessment and the identification of each student's early childhood education provider for the year prior to kindergarten enrollment shall become part of each student's record in the state's automated student database.

113	SPECIAL CATEGORIES	
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS	
	FROM GENERAL REVENUE FUND	203,155
115	SPECIAL CATEGORIES	
	COST-OF-LIVING PRICE SURVEY	
	FROM GENERAL REVENUE FUND	74,375
116	SPECIAL CATEGORIES	
	EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS	
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND	200,000
117	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	720,411
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND	9,616
	FROM EDUCATIONAL AIDS TRUST FUND	11,450
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND	5,309
	FROM FOOD AND NUTRITION SERVICES TRUST FUND	3,792
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND	1,759
117A	SPECIAL CATEGORIES	
	LAND ACQUISITION AND FACILITIES ADVISORY BOARD	
	FROM GENERAL REVENUE FUND	250,000

TOTAL:	PROGRAM: STATE OVERSIGHT & ASSISTANCE - PUBLIC SCHOOLS	
	FROM GENERAL REVENUE FUND	55,624,696
	FROM TRUST FUNDS	20,743,115

SECTION 2
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TOTAL POSITIONS	313	
TOTAL ALL FUNDS		76,367,811

PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP

From the funds appropriated in Specific Appropriations 4A, 5, and 118 through 122A, Public Schools will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====		
Performance	FY 2001-2002	
Measures - Outcomes	Standards	

Number/percent of "A" schools reported by each		
district.....	600; 25.0%	
Additional approved performance measures and standards are		
established in the FY 2001-2002 Implementing Bill and are		
incorporated herein by reference.		
=====		

118	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FLORIDA EDUCATIONAL		
	FINANCE PROGRAM		
	FROM GENERAL REVENUE FUND	6401,419,534	
	FROM PRINCIPAL STATE SCHOOL TRUST FUND . .		58,900,000

The Department's bimonthly distribution of funds provided in Specific Appropriation 118 shall be made in equal payments on or about the 10th and 26th of each month.

Funds provided in Specific Appropriation 118 shall be allocated using a base student allocation of \$3,413.18 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 in Specific Appropriation 118, 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.

From the funds provided in Specific Appropriation 118, at the request of the provider of a nonresidential program for juvenile justice programs, a district school board may decrease the required minimum number of days of instruction for students. FTE student membership shall be reported and funded only for the number of days authorized and the minimum number of days authorized for students instruction shall not be less than 180 days.

From the funds provided in Specific Appropriation 118, all juvenile justice students in juvenile justice educational programs shall receive no less than the funds per student in 1998-1999.

A minimum guaranteed level of funding shall be calculated to provide each school district a 1.0 percent increase per unweighted full-time equivalent K-12 student over the amount per unweighted full-time equivalent K-12 student funded in the 2000-2001 FEFP. The calculation of this minimum funding shall compare total state and local formula and categorical funds for K-12 programs and actual discretionary local revenue for 2000-2001 with total state and local formula and categorical funds for K-12 programs and maximum potential discretionary local revenue for 2001-2002 and shall include the additional funds gained by reducing district expenditures required for the Florida Retirement System as shown in legislative workpapers for the 2001-02 FEFP. Funds allocated for the District Lottery and School Recognition Program and the 2000-01 District Discretionary Lottery Funds shall not be included in the calculation of the Minimum Guarantee.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of s. 236.081(2), Florida Statutes.

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From the funds appropriated in Specific Appropriation 118, \$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 2001-2002.

Total unadjusted required local effort taxes for 2001-2002 shall be \$4,435,730,649. 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 2001-2002 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 118, 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 118 are based upon program cost factors for 2001-2002 as follows:

1. Basic Programs	
A. K-3 Basic	1.007
B. 4-8 Basic	1.000
C. 9-12 Basic	1.113
2. Programs for Exceptional Students	
A. Support Level 4	3.948
B. Support Level 5	5.591
3. English for Speakers of Other Languages	1.265
4. Programs for Grades 7-12 Vocational Education	1.206

From the funds appropriated in Specific Appropriation 118, \$955,836,750 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 2001-2002 appropriation for the FEFP and shall not be recalculated during the school year. School districts that are providing educational services in 2000-2001 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 appropriated in Specific Appropriation 118, the value of 43.35 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.

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None of the funds provided in the 2001-2002 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 appropriated in Specific Appropriation 118, \$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 unweighted 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 appropriated in Specific Appropriation 118 for inservice personnel training, as prescribed in s. 236.081(3), F.S., are transferred to Specific Appropriation 122.

From the funds appropriated in Specific Appropriation 118, \$676,658,381 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 2001-2002 appropriation for the FEFP and shall not be recalculated during the school year.

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 its allocation of funds appropriated in Specific Appropriation 118, 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.

No funds are provided in Specific Appropriation 118 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.

From the funds appropriated in Specific Appropriation 118, district school boards and developmental research schools that fail to meet the following minimum student academic performance standards must satisfy the following minimum expenditure requirement for "classroom instruction."

The minimum district academic performance standard is defined as the district weighted performance grade that is at or above the state median district performance grade for elementary schools, middle schools and high schools; and a student non-promotion rate that is at or below the state average non-promotion rate.

District weighted performance grades are based on a district's student and school performance grades required by Section 229.57 (6), Florida Statutes. The three district performance grades will be calculated for 1) all elementary schools; 2) all middle schools; and 3) all high schools. Each of the three district performance grades will be a grade calculated by weighting individual school grades by the school's enrollment.

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Expenditures for classroom instruction shall be calculated as a specified percentage of the district's K-12 operating expenditures as reported in the most recent annual financial statement filed with the Commissioner of Education. Classroom instruction expenditures and district total operating expenditures are defined in HB 1545 or similar legislation.

Each school district that fails to meet the minimum district academic performance standards indicated above must increase expenditures for classroom instruction over the percentage expended by 1% for each academic performance standard not met.

From the funds appropriated in Specific Appropriation 118 for Miami-Dade County Public Schools, \$310,000 shall be provided by the Miami-Dade County School Board to the Office of the Auditor General to pay the cost for three auditors who will be located on-site in the school board administrative offices. The Auditor General shall provide the Governor and Legislature a periodic report of findings and recommendations.

119 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHER RECRUITMENT AND
RETENTION
FROM GENERAL REVENUE FUND 152,000,000

Funds appropriated in Specific Appropriation 119 are provided to make the recruitment and retention of the best qualified teacher for every classroom a priority for the state and for each school district. These funds shall be allocated on each district's share of total unweighted FTE.

Funds in Specific Appropriation 119 shall be used to provide a retention bonus of \$850 to each classroom teacher, including all instructional personnel defined in s. 228.041(9)(a)-(d), Florida Statutes, who:

1. Are employed by a school district in a full-time capacity for the 2001-2002 school year and were employed by a Florida school district in a full-time capacity during the 2000-2001 school year,
2. Hold a valid Florida Educator's Certificate, and
3. Received a performance evaluation of Satisfactory or higher in 2000-2001.

Funds in Specific Appropriation 119 are provided to pay the employer's share of Social Security and Medicare taxes (7.65 %) which are in addition to the amount provided for the \$850 retention bonuses.

Funds in Specific Appropriation 119 are not required to provide the \$850 retention bonuses as specified above shall be used to implement recommendations of the Task Force on Florida's Education Workforce, including scholarships for teachers. These funds may be used in a variety of ways, depending on the specific needs of each school district. Funds may be used to provide a signing bonus of \$850 for classroom teachers hired for the first time in Florida. These signing bonuses are provided for out-of-state teachers entering Florida and for individuals from Florida entering the teaching profession. Teachers eligible for signing bonuses include all personnel defined in s. 228.041 (9)(a), Florida Statutes. Funds may be used to provide other bonuses to classroom teachers, such as teachers in schools with a performance grade of "D" or "F".

The \$850 retention bonus as specified above shall be delivered to eligible classroom teachers and other instructional personnel no later than October 15, 2001. This bonus is mandatory, is not subject to school board discretion, including charter districts, and is not subject to the provisions of Chapter 447, Florida Statutes.

120 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 213,538,584

From the funds appropriated in Specific Appropriation 120, 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.

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The growth allocation per FTE student is \$310.72 in 2001-2002. If the funds provided in Specific Appropriation 120 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, 2001; 35% on or about October 10, 2001; 10% on or about January 10, 2002 and the balance on or about June 10, 2002.

From the funds appropriated in Specific Appropriation 120, \$15,000,000 is provided for Library Media Materials, and \$3,200,000 is provided for purchase of science lab materials and supplies.

120A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 34,325,000

Funds appropriated in Specific Appropriation 120A shall be allocated by prorating the total on each district's share of the state total K-12 FTE.

121 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 411,269,216

Funds appropriated in Specific Appropriation 121 shall be used to transport students as provided in s. 236.083, Florida Statutes.

122 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHER TRAINING
FROM GENERAL REVENUE FUND 36,000,000

Funds appropriated in Specific Appropriation 122 shall be prorated among all districts based on each district's proportion of the state total unweighted full-time equivalent student enrollment.

Funds appropriated in Specific Appropriation 122 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. These plans shall make provision for active participation in the Sunshine State Teacher Professional Development Network for persons seeking alternative or add-on certification, for teachers who wish to participate in the Florida Mentor Teacher Pilot Program and for teachers preparing for performance assessment based on student achievement. Payment of a license fee for participation in the Sunshine State Teacher Professional Development Network is a permissible use of funds appropriated in Specific Appropriation 83.

To be eligible to receive funds appropriated in Specific Appropriation 122, 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.

122A AID TO LOCAL GOVERNMENTS
FLORIDA TEACHERS LEAD PROGRAM
FROM GENERAL REVENUE FUND 15,386,500

SECTION 2
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APPROPRIATION

Funds appropriated in Specific Appropriation 122A shall be provided to teachers pursuant to s.231.67, F.S. Funds shall be allocated by prorating among all districts based on each district's proportion of the state total unweighted full-time equivalent student enrollment.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAMS - FEFP
FROM GENERAL REVENUE FUND 7263,938,834
FROM TRUST FUNDS 58,900,000

TOTAL ALL FUNDS 7322,838,834

PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP

124A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRANSFER LOTTERY TO
EXECUTIVE OFFICE OF THE GOVERNOR/
PARTNERSHIP FOR SCHOOL READINESS
FROM GENERAL REVENUE FUND 1,075,000

125A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA VIRTUAL HIGH
SCHOOL
FROM GENERAL REVENUE FUND 6,170,000

The first priority use of funds appropriated in Specific Appropriation 125A shall be increased availability of and 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 appropriated in Specific Appropriation 125A, 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 Florida Virtual High School.

126 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 1,150,000

From the funds appropriated in Specific Appropriation 126, \$200,000 shall be used to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.

From the funds appropriated in Specific Appropriation 126, \$950,000 is provided for the Sunlink Uniform Library Database.

127 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM EXCELLENT TEACHING PROGRAM TRUST
FUND 31,447,504

From the funds appropriated in Specific Appropriation 127, 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.

In addition to the award amounts calculated as defined in s. 236.08106, F.S., teachers who achieve National Board certification shall receive a bonus award of \$500 and nationally board-certified teachers who agree to serve as mentor teachers shall receive a bonus award of \$500. The total additional bonus award amount for a nationally board-certified teacher is \$1,000.

127A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SMALL SCHOOL DISTRICT
STABILIZATION FUND
FROM GENERAL REVENUE FUND 1,000,000

128 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 3,740

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129 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 1,500,000

Funds appropriated in Specific Appropriation 129 are provided for Florida Channel - Panhandle Area Education Consortium (PAEC).

130 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXTENDED SCHOOL YEAR
FROM GENERAL REVENUE FUND 11,000,000

Funds appropriated in Specific Appropriation 130 are provided for the second year of 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.

The implementation plans for each school must 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 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 2001-2002 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 the number of days in the school year in excess of 180. 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 130 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 program.

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The Commissioner of Education shall submit a report to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives by October 1, 2001, that evaluates the success of each school's implementation of an extended school year.

130A SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS
FOR READING PROGRAMS
FROM GENERAL REVENUE FUND 6,261,863
FROM PRINCIPAL STATE SCHOOL TRUST FUND 3,000,000

From the funds appropriated in Specific Appropriation 130A, \$3,000,000 from the Principal State School Trust Fund and \$2,191,291 from General Revenue, are provided to the Florida Literacy and Reading Excellence (FLARE) Center at UCF to be used for a pilot program to develop Master Teacher Trainers in Reading for teachers in the primary grades, and reading in the content areas for teachers in the secondary grades. The focus shall be on prescriptive approaches to solving student reading deficiencies using FLARE Center best practices research. This pilot program shall be implemented and coordinated with the activities funded in Florida with any federal grant funds received to improve student reading in grades K-12.

From the funds appropriated in Specific Appropriation 130A, \$850,000 is provided for operation of the FLARE Center, \$552,000 is provided for the Northeast Florida Education Consortium Reading Initiative, and \$268,572 is provided for Direct Instruction.

From the funds appropriated in Specific Appropriation 130A, \$1,440,000 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 these funds available for this program no later than August 1, 2001.

From the funds appropriated in Specific Appropriation 130A, \$960,000 is provided to the Department of Education for a grant to the Institute for School Innovation for implementation of Project Child in elementary schools. Preference shall be given to schools rated "D" or "F", or schools that have declined in the A+ rating system. The Institute shall provide the appropriate materials, teacher training, and leadership training to fully implement Project Child.

Adopting schools shall commit to two-year renewable costs of no more than \$50 per student. The Department of Education shall make these funds available for this program no later than August 1, 2001.

Funds appropriated in Specific Appropriation 130A are provided for Direct Instruction.

131 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW
PERFORMING SCHOOLS
FROM PRINCIPAL STATE SCHOOL TRUST FUND 5,000,000

Funds appropriated in Specific Appropriation 131 shall be used to fund activities designed to improve student achievement and readiness for college especially in low performing middle and high schools. The Commissioner of Education shall extend the contract awarded for the 2000-2001 fiscal year if the terms and conditions of the contract were satisfied. Otherwise, the Commissioner 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

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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.

- 131A SPECIAL CATEGORIES
- GRANTS AND AIDS - EDUCATION PARTNERSHIPS
- FROM GENERAL REVENUE FUND 5,449,931

From the funds appropriated in Specific Appropriation 131A, \$4,800,000 is provided for Alternative Schools/Public Private Partnerships. A school district may apply for funding for an educational program to serve a minimum of 500 or more disruptive and low performing students per school in grades 6-12. Programs funded must provide proof of educational progress in reading and mathematics demonstrated in existing programs with similar student populations. The program shall operate in a separate school facility provided by the education provider, unless otherwise negotiated with the school district. Any provider of this program must have at least three years of experience successfully serving this student population. The design of the school shall include small learning communities and areas of support services provided by community-based providers. The district school board may contract with a non-profit or for-profit entity to operate the program including the provision of personnel, supplies, equipment and/or facilities.

From the funds appropriated in Specific Appropriation 131A, \$649,931 is provided for the Florida Council on Economic Education.

- 131B SPECIAL CATEGORIES
- GRANTS AND AIDS - LEARNING GATEWAYS
- FROM GENERAL REVENUE FUND 6,000,000

Funds appropriated in Specific Appropriation 131B are provided to the Department of Education to implement three pilot Learning Gateway programs in Orange, Manatee, and St. Lucie Counties. The programs shall address prevention of learning disabilities in children ages birth to 9.

- 132 SPECIAL CATEGORIES
- GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
- FROM GENERAL REVENUE FUND 3,999,988

- 135 SPECIAL CATEGORIES
- GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
- FROM GENERAL REVENUE FUND 3,039,494

Funds appropriated in Specific Appropriation 135 shall be allocated to the Multidisciplinary Educational Services Centers as follows:

University of Florida.....	633,344
University of Miami.....	596,381
Florida State University.....	594,558
University of South Florida.....	621,637
University of Florida Health Science Center at Jacksonville.	593,574

Each center shall provide a report to the Department of Education by September 1, 2001, for the 2000-2001 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.

- 136A SPECIAL CATEGORIES
- GRANTS AND AIDS - PRE-SCHOOL PROJECTS
- FROM GENERAL REVENUE FUND 103,765,000

The Commissioner of Education is authorized to allocate funds appropriated in Specific Appropriations 136A among the following school readiness programs: Pre-Kindergarten Early Intervention, Early Childhood Services, Migrant 3 and 4 - year old program, and the Florida First Start Program.

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- 136B SPECIAL CATEGORIES
- TRANSFER TO EXCELLENT TEACHING TRUST FUND
- FROM GENERAL REVENUE FUND 27,967,009

- 137 SPECIAL CATEGORIES
- GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
- FROM GENERAL REVENUE FUND 964,618

- 137A SPECIAL CATEGORIES
- GRANTS AND AIDS - SCHOOL DISTRICT MATCHING GRANTS PROGRAM
- FROM GENERAL REVENUE FUND 1,300,000

Funds appropriated in Specific Appropriation 137A are provided as challenge grants to public school district education foundations for low performing students. The amount of each grant shall be equal to the private contribution made to a qualifying public school district education foundation. In-kind contributions shall not be considered for matching purposes. Before any funds appropriated in Specific Appropriation 137A may be released to any public school district education foundation, the public school district foundation must certify to the Commissioner of Education that private cash has actually been received by the public school district education foundation seeking state matching funds. The Consortium of Florida Education Foundations shall be the fiscal agent for this program. Administrative costs for the program shall not exceed five percent (5%).

Funds appropriated in Specific Appropriation 137A shall be allocated and expended consistent with the provisions of SB 950, SB 934 or similar legislation. Funds appropriated in Specific Appropriation 137A are not contingent on SB 950, SB 934 or similar legislation becoming law.

- 138A SPECIAL CATEGORIES
- EDUCATOR PROFESSIONAL LIABILITY INSURANCE
- FROM GENERAL REVENUE FUND 1,200,000

Funds appropriated in Specific Appropriation 138A shall be used to provide all instructional personnel with professional liability insurance coverage for monetary damages and the cost of defense from claims made against them in the performance of their professional duties in accordance with HB 409 or similar legislation. The Professional Educators Network shall purchase the coverage, administer the program, and provide communications and notification to all instructional personnel of the benefits of the program.

- 138B SPECIAL CATEGORIES
- TEACHER AND SCHOOL ADMINISTRATOR DEATH BENEFITS
- FROM GENERAL REVENUE FUND 165,000

- 141 SPECIAL CATEGORIES
- GRANTS AND AIDS - AUTISM PROGRAM
- FROM GENERAL REVENUE FUND 4,975,000

Funds appropriated in Specific Appropriation 141 shall be allocated to the six autism centers as follows:

University of South Florida/Florida Mental Health Institute.	966,666
University of Florida (College of Medicine).....	736,666
University of Central Florida.....	726,666
University of Miami (Department of Pediatrics).....	991,670
including \$157,000 for activities in Palm Beach County through FAU and \$182,000 for activities in Broward County through Nova Southeastern University	
University of Florida (Jacksonville).....	736,666
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, 2001.

- 142 SPECIAL CATEGORIES
- GRANTS AND AIDS - REGIONAL EDUCATION

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CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 750,000

Funds appropriated in Specific Appropriation 142 shall be allocated as provided in section 228.0857, Florida Statutes.

143 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 7,640,472

From the funds in Specific Appropriation 143, \$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 appropriated in Specific Appropriation 143, \$317,000 is provided for Florida School Boards Association school board member in-service training.

From the funds appropriated in Specific Appropriation 143, \$4,000,000 is provided for the development of a Sunshine State Professional Development Network. The purposes of this network are to assist teachers seeking alternative or add-on certification consistent with the provisions of s. 231.17(7)(a), F.S., to assist teachers who wish to participate in the Florida Mentor Teacher Pilot Program as defined in s. 231.700, F.S., and to assist teachers to prepare for performance assessment based on student achievement as required by s. 231.29, F.S.

The Commissioner of Education shall contract for development, implementation and maintenance of a web-based network platform with integrated, high quality professional development content and services for teachers. The network must include state-of-the-art technology, utilizing video-intensive case pedagogy for delivery of web-based professional development. Network development for 2001-2002 shall include not less than 300 hours of customized content. Initial content modules and support services shall be provided by September 1, 2001. Maintenance and support of the network must include: (a) regular diagnostic analyses of individual teacher's needs as a basis for activities, (b) development of a capacity for peer coaching and mentoring at each school site, (c) leadership development through on-line study groups for schools and district administrators, (d) continuous customization of courses to address local issues, (e) installation of network access for relevant district and staff computers, (f) technical support for district technology staff, (g) continuous on-line and toll-free telephone help for teachers and facilitators, (h) on-site consulting services with district leadership based on diagnostic analyses, and (i) hosting costs; bandwidth fees and upgrades of software. The Commissioner shall negotiate a discounted annual license fee, not to exceed \$375, for each individual's access to and use of the network and its associated services.

From the funds appropriated in Specific Appropriation 143, \$500,000 is provided to continue Urban Teacher Residency Programs at the University of North Florida and the University of Central Florida, \$275,000 is provided for the Florida Humanities Council, \$336,000 is provided for the Panhandle Area Education Consortium (PAEC) Staff Academy, \$50,000 is provided for the Minority Teacher Incentive Program, and \$800,000 is provided for the Flight to Your Future Teacher Resource and Activity Center at Embry-Riddle Aeronautical University for math/science enhancement.

144 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 45,742

Funds appropriated in Specific Appropriation 144 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.

145 SPECIAL CATEGORIES
SCHOOL RELATED PERSONNEL OF THE YEAR
FROM GENERAL REVENUE FUND 15,100

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145A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL
ENHANCEMENTS
FROM GENERAL REVENUE FUND 6,032,042

From the appropriated funds in Specific Appropriation 145A, \$3,000,000 is provided to improve Mathematics and Science instruction.

From the funds appropriated in Specific Appropriation 145A, \$175,000 is provided for Arts for a Complete Education, \$750,000 is provided for the Florida Holocaust Museum, and \$500,000 is provided for the Keating Maritime Center.

From the funds appropriated in Specific Appropriation 145A, \$75,000 is provided for State Science Fair, \$125,000 is provided for Academic Tourney, \$25,000 is provided for Hands in Action-Family, Schools and Friends, \$500,000 is provided for the Center for Infant Child School Outreach Program, \$500,000 is provided for SER/SABER/Youth Coop, and \$132,042 is provided for Instructional Materials Management.

From the funds appropriated in Specific Appropriation 145A, \$250,000 is provided for Instructional Materials Innovation in the first state-approved charter school district. Identified teachers will participate in a project with publishers and other teachers to design a system for preparation and delivery of materials specifically designed to meet the individualized instructional needs of each teacher.

146 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND 2,891,336
FROM EDUCATIONAL AIDS TRUST FUND 2,333,354

Funds appropriated in Specific Appropriation 146 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, Very Special Arts, Governor's Summer Program for the Gifted, and Challenge Grant Program for the Gifted.

147 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND 30,755,562
FROM GRANTS AND DONATIONS TRUST FUND 1,694,501

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 appropriated in Specific Appropriation 147, \$579,000 is provided to contract with the University of Florida for health, medical, pharmaceutical and dental 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, 2002. The school shall report to the Legislature by June 30, 2002, the amounts and sources of all funding used for the collaborative medical program and any other student health services during the 2001-2002 Fiscal Year.

From the funds appropriated in Specific Appropriation 147, The Board of Trustees shall provide to each eligible classroom teacher and other instructional personnel a retention bonus of \$850 in accordance with the requirement of the proviso language for Specific Appropriation 119. The Board may also implement recruitment efforts as authorized in Specific Appropriation 119.

147A SPECIAL CATEGORIES
GRANTS AND AIDS - SHARPEN THE PENCIL
FROM GENERAL REVENUE FUND 3,200,000

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Funds appropriated in Specific Appropriation are provided for Best Practices Reviews of public school districts conducted by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA). OPPAGA is also authorized to contract with a private evaluator for Best Practice Reviews.

From the funds appropriated in Specific Appropriation 147A, the Office of Program Policy Analysis and Governmental Accountability shall use \$900,000 to contract for a private evaluator using an RFP process to conduct a Best Financial Management Practices Review of the Miami-Dade County School District.

The funds appropriated in Specific Appropriation 147A shall be utilized in the manner described in SB 1780, HB 269 or similar legislation. Funds appropriated in Specific Appropriation 147A are not contingent upon SB 1780, HB 269, or similar legislation becoming law.

TOTAL: PROGRAM: STATE GRANTS K/12 PROGRAM - NON FEFP	
FROM GENERAL REVENUE FUND	238,316,897
FROM TRUST FUNDS	43,475,359
TOTAL ALL FUNDS 281,792,256	

PROGRAM: FEDERAL GRANTS K/12 PROGRAM

150	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - FEDERAL GRANTS AND AIDS	
	FROM EDUCATIONAL AIDS TRUST FUND	654,100,702
151	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - CLASS SIZE REDUCTION	
	FROM EDUCATIONAL AIDS TRUST FUND	56,190,521
152	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - SCHOOL LUNCH PROGRAM	
	FROM FOOD AND NUTRITION SERVICES TRUST	
	FUND	488,009,644
153	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - SCHOOL LUNCH PROGRAM -	
	STATE MATCH	
	FROM GENERAL REVENUE FUND	16,886,046

Funds appropriated in Specific Appropriation 153 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	16,886,046
FROM TRUST FUNDS	1198,300,867
TOTAL ALL FUNDS 1215,186,913	

PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES

154	SPECIAL CATEGORIES	
	CAPITOL TECHNICAL CENTER	
	FROM GENERAL REVENUE FUND	106,100

Funds appropriated in Specific Appropriation 154 may be used to purchase equipment for the Capitol Technical Center's radio and television facilities.

155	SPECIAL CATEGORIES	
	GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY	
	FROM GENERAL REVENUE FUND	250,000

156	SPECIAL CATEGORIES	
	FEDERAL EQUIPMENT MATCHING GRANT	
	FROM GENERAL REVENUE FUND	1,329,566

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From the funds appropriated in Specific Appropriation 156, \$900,000 shall be allocated as follows: \$53,780 for WFSU-FM, Tallahassee, \$651,363 for WGPU-TV/FM, Ft. Myers, \$191,019 for WUFT-TV/FM, Gainesville and \$3,838 for WUSF-FM, Tampa.

157	SPECIAL CATEGORIES	
	GRANTS AND AIDS - FLORIDA INFORMATION	
	RESOURCE NETWORK	
	FROM GENERAL REVENUE FUND	6,591,281

The funds appropriated in Specific Appropriation 157 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.

159	SPECIAL CATEGORIES	
	GRANTS AND AIDS - PUBLIC BROADCASTING	
	FROM GENERAL REVENUE FUND	9,138,361

The funds appropriated in Specific Appropriation 159 shall be allocated as follows: \$609,207 for statewide governmental and cultural affairs programming; \$549,120 for public television stations recommended by the Commissioner of Education, and \$106,236 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 159 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

From the funds appropriated in Specific Appropriation 159, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "The Florida Channel."

160	SPECIAL CATEGORIES	
	FETPIP/WORKFORCE DEVELOPMENT MANAGEMENT	
	INFORMATION SYSTEMS	
	FROM GENERAL REVENUE FUND	190,000

161	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	18,013,222

TOTAL ALL FUNDS 18,013,222	
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WORKFORCE DEVELOPMENT, DIVISION OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

162	SALARIES AND BENEFITS	POSITIONS	91
	FROM GENERAL REVENUE FUND		2,164,548
	FROM EDUCATIONAL AIDS TRUST FUND		1,989,678
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		562,049

163	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	21,666	
	FROM EDUCATIONAL AIDS TRUST FUND		190,916
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		41,213

164	EXPENSES		
	FROM GENERAL REVENUE FUND	583,329	
	FROM EDUCATIONAL AIDS TRUST FUND		1,897,651
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		249,951

165	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	38,071	
	FROM EDUCATIONAL AIDS TRUST FUND		47,842

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166	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	6,581	
	FROM EDUCATIONAL AIDS TRUST FUND		6,055
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		526
TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	2,814,195	
	FROM TRUST FUNDS		4,985,881
	TOTAL POSITIONS	91	
	TOTAL ALL FUNDS		7,800,076

PROGRAM: WORKFORCE EDUCATION GRANT PROGRAMS

167	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ADULT BASIC EDUCATION		
	FEDERAL FLOW-THROUGH FUNDS		
	FROM EDUCATIONAL AIDS TRUST FUND		23,457,545
168	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ADULT HANDICAPPED FUNDS		
	FROM GENERAL REVENUE FUND	19,740,221	

Funds appropriated in Specific Appropriation 168 will be distributed to community colleges and school districts for programs serving adults with disabilities. Programs that were funded in 2000-2001 will be eligible for continuation funding if the program has made satisfactory progress as defined by the Division of Workforce Development. From the funds in Specific Appropriation 168, \$17,919,573 is provided for school district adult handicapped programs and shall be allocated as follows provided that satisfactory progress was made during the 2000-2001 year.

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
Marion.....	25,000
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
Saint Johns.....	119,246
Santa Rosa.....	52,318
Sarasota.....	925,513
Sumter.....	18,355
Suwannee.....	100,990
Taylor.....	99,843
Union.....	109,980
Wakulla.....	48,562
Washington.....	249,715

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From the funds provided in Specific Appropriation 168, \$1,820,688 is provided for community college adult handicapped programs and shall be allocated as follows provided that satisfactory progress was made during the 2000-2001 year.

Central Florida.....	41,665
Daytona Beach.....	355,085
Florida CC at Jax.....	307,029
Indian River CC.....	162,587
Pensacola.....	45,000
Polk CC.....	345,801
St. Johns CC.....	54,000
Santa Fe.....	88,500
Seminole CC.....	78,000
South Florida.....	294,495
Tallahassee.....	48,526

169	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS		
	FROM EDUCATIONAL AIDS TRUST FUND		77,144,852

169A	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	21,740,221	
	FROM TRUST FUNDS		100,602,397
	TOTAL ALL FUNDS		122,342,618

PROGRAM: WORKFORCE EDUCATION ADMINISTERED FUNDS

170	AID TO LOCAL GOVERNMENTS		
	CRITICAL JOBS INITIATIVE		
	FROM GENERAL REVENUE FUND	5,918,293	

Funds in Specific Appropriation 170 shall be used for the following purposes subject to review and approval by the Postsecondary Education Planning Commission:

1. New or expanded training programs at community colleges or school districts for new horizon jobs approved by Workforce Florida, Inc.
2. Upgrading of existing workforce development programs to meet program standards referenced in s. 239.229(2)(c) or s. 240.312.
3. Any proposal identified for funding through the Workforce Development Capitalization Incentive Grant Program pursuant to s. 239.514.

The Postsecondary Education Planning Commission may, at its discretion, recommend to the Legislature second year funding for operating costs for any new program funded through this appropriation.

From the funds in Specific Appropriation 170 up to \$3,271,373 shall be used to cover recurring instructional and operating expenditures for new programs funded through Specific Appropriation 134A of Chapter 2000-166 subject to review and recommendation by the Postsecondary Education Planning Commission.

From the funds in Specific Appropriation 170, \$800,000 is provided to create an instructional training program in information technology, focusing on the needs of k-12 and community college faculty in applying the latest technologies in the classroom. The program will serve the local needs of a rapidly growing community as well as statewide needs through internet and other distance learning strategies. Priority will be given to proposals that make effective use of donated facilities and, as a byproduct, produce revenue by responding to the staff development needs of corporate partners.

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From the funds in Specific Appropriation 170, \$400,000 is provided to develop a program in business management with a specialty in tourism and hospitality. Students will design, develop, operate and manage a tourism-related business, which will encompass lodging, food service, and concierge services. Students will also utilize internet technology in marketing and coordinating activities between various hospitality/tourism sectors. This program will provide students with the training and experience necessary to receive wage levels in excess of those received by entry-level employees graduating from traditional programs. Community colleges whose local economy is principally dependent on tourism and special events and who work in partnership with the local tourism industry, will receive priority in being selected for this program.

171 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 722,507,004

Funds in Specific Appropriation 171 are provided for workforce development education programs as defined in s. 239.105 (28), Florida Statutes, and shall be used for no other purpose.

School districts and community colleges are not required to decrease fees to meet the state adopted fee schedule.

Pursuant to the provisions of s. 239.117 (5), Florida Statutes, School districts and community colleges may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected. School districts and community colleges shall not be required to reduce fees as a result of the fee schedule adopted by the State Board of Education pursuant to s.239.117 (6)(c), Florida Statutes. However, identical fees shall be required for all community colleges students who take a specific course, regardless of the program they are enrolled in.

To provide for performances that may not have been reported in a timely, accurate manner for the FY 2001-2002 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 2002-2003 unless sufficient balances exist in the 2001-2002 appropriation to make the payment.

From the funds provided in Specific Appropriation 171, \$407,680,556 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.....	1,453,900
Baker.....	182,507
Bay.....	3,580,248
Bradford.....	956,169
Brevard.....	2,888,143
Broward.....	70,794,468
Calhoun.....	186,733
Charlotte.....	3,004,891
Citrus.....	2,796,323
Clay.....	680,231
Collier.....	7,351,304
Columbia.....	346,140
De Soto.....	947,820
Dixie.....	56,755
Duval.....	0
Escambia.....	5,385,094
Flagler.....	2,778,569
Franklin.....	61,132

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Gadsden.....	638,363
Gilchrist.....	3,638
Glades.....	7,275
Gulf.....	176,051
Hamilton.....	79,147
Hardee.....	310,271
Hendry.....	396,617
Hernando.....	525,546
Highlands.....	0
Hillsborough.....	32,671,397
Holmes.....	0
Indian River.....	832,619
Jackson.....	572,384
Jefferson.....	202,650
Lafayette.....	44,874
Lake.....	4,662,535
Lee.....	11,322,902
Leon.....	6,180,320
Levy.....	0
Liberty.....	14,545
Madison.....	0
Manatee.....	6,533,602
Marion.....	3,058,525
Martin.....	2,340,145
Miami-Dade.....	104,372,813
Monroe.....	782,950
Nassau.....	349,167
Okaloosa.....	2,606,210
Okeechobee.....	0
Orange.....	36,116,677
Osceola.....	4,698,621
Palm Beach.....	15,734,157
Pasco.....	3,676,653
Pinellas.....	27,556,330
Polk.....	11,863,758
Putnam.....	408,766
St. Johns.....	6,265,704
St. Lucie.....	0
Santa Rosa.....	1,856,813
Sarasota.....	10,671,530
Seminole.....	0
Sumter.....	222,068
Suwannee.....	1,046,594
Taylor.....	1,373,484
Union.....	174,016
Volusia.....	0
Wakulla.....	283,679
Walton.....	90,391
Washington.....	3,496,204
Washington Special.....	10,136

From the funds provided in Specific Appropriation 171, \$314,826,452 is provided for Community College Workforce Development programs and shall be allocated as follows:

Brevard CC.....	11,975,539
Broward CC.....	18,048,480
Central Florida.....	7,543,640
Chipola.....	3,139,924
Daytona Beach.....	20,317,195
Edison.....	4,563,685
Florida CC at Jax.....	38,576,051
Florida Keys.....	2,042,179
Gulf Coast.....	6,217,425
Hillsborough CC.....	11,097,530
Indian River CC.....	19,720,823
Lake City.....	6,996,787
Lake-Sumter CC.....	1,602,787
Manatee CC.....	4,708,542
Miami-Dade CC.....	32,775,861
North Florida.....	2,423,179
Okaloosa-Walton CC.....	4,727,729
Palm Beach CC.....	22,643,951
Pasco-Hernando CC.....	6,384,985

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Pensacola.....	14,330,761
Polk CC.....	4,954,574
St. Johns CC.....	2,808,674
St. Petersburg.....	14,652,944
Santa Fe.....	12,574,520
Seminole CC.....	16,402,556
South Florida.....	7,479,173
Tallahassee.....	4,139,884
Valencia.....	11,977,072

From the funds in Specific Appropriation 171, 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	FY 2001-2002
Measures - Outcomes	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.....10,487; 33.4%	

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	728,425,297
TOTAL ALL FUNDS	728,425,297

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

172 SALARIES AND BENEFITS	POSITIONS	52
FROM GENERAL REVENUE FUND		3,188,818
FROM DIVISION OF UNIVERSITIES FACILITY		
CONSTRUCTION ADMINISTRATIVE TRUST FUND .		207,572
173 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND		57,282
FROM DIVISION OF UNIVERSITIES FACILITY		
CONSTRUCTION ADMINISTRATIVE TRUST FUND .		24,600
174 EXPENSES		
FROM GENERAL REVENUE FUND		843,813
FROM DIVISION OF UNIVERSITIES FACILITY		
CONSTRUCTION ADMINISTRATIVE TRUST FUND .		15,141
175 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND		74,295
176 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND		14,494
176A SPECIAL CATEGORIES		
PROGRAM REVIEW AND SPECIAL STUDIES		
FROM GENERAL REVENUE FUND		425,000
TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND		4,603,702
FROM TRUST FUNDS		247,313

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TOTAL POSITIONS	52
TOTAL ALL FUNDS	4,851,015

PROGRAM: COMMUNITY COLLEGE PROGRAMS

177 AID TO LOCAL GOVERNMENTS	
PERFORMANCE BASED INCENTIVES	
FROM GENERAL REVENUE FUND	8,318,834

Funds in Specific Appropriation 177 are provided as performance incentive awards, and shall be allocated as follows:

Brevard.....	412,667
Broward.....	585,595
Central Florida.....	169,684
Chipola.....	64,414
Daytona Beach.....	274,482
Edison.....	232,656
Florida CC at Jacksonville.....	566,191
Florida Keys.....	22,967
Gulf Coast.....	146,315
Hillsborough.....	385,801
Indian River.....	219,855
Lake City.....	53,832
Lake-Sumter.....	58,451
Manatee.....	202,706
Miami-Dade.....	1,099,182
North Florida.....	32,132
Okaloosa-Walton.....	201,703
Palm Beach.....	471,543
Pasco-Hernando.....	132,993
Pensacola.....	272,072
Polk.....	162,102
St. Johns.....	126,936
St. Petersburg.....	581,024
Santa Fe.....	418,424
Seminole.....	180,058
South Florida.....	64,834
Tallahassee.....	402,438
Valencia.....	777,777

178 AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - COMMUNITY COLLEGES	
PROGRAM FUND	
FROM GENERAL REVENUE FUND	456,452,882

From the funds in Specific Appropriations 9, 177, and 178, the Community Colleges will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance	FY 2001-2002
Measures - Outcomes	Standards

Percent of students graduating with total accumulated credit hours	
that are less than or equal to 120% of the degree requirement....36%	
Of the AA students completing 18 credit hours, the percent which	
graduate within 4 years.....36%	

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 2001-2002 as follows:

Program	Amount Per
	Credit Hour

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Advanced and Professional	\$ 39.09
Postsecondary Vocational	39.09
College Preparatory	39.09

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 2001-2002 as follows:

Program	Amount Per Credit Hour
Advanced & Professional	\$117.32
Postsecondary Vocational	117.32
College Preparatory	117.32

For 2001-2002, 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 2000-2001.

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 178 shall not act to limit the "open door" access policy for students in any program.

Funds provided in Specific Appropriation 178 shall be allocated as follows:

Brevard.....	19,371,383
Broward.....	33,959,982
Central Florida.....	6,781,389
Chipola.....	4,450,095
Daytona Beach.....	16,792,210
Edison.....	14,010,621
Florida CC at Jacksonville.....	27,222,653
Florida Keys.....	2,886,837
Gulf Coast.....	7,729,545
Hillsborough.....	26,284,880
Indian River.....	13,911,053
Lake City.....	3,503,592
Lake-Sumter.....	5,196,622
Manatee.....	10,788,575
Miami-Dade.....	87,268,229
North Florida.....	2,600,347
Okaloosa-Walton.....	8,339,374
Palm Beach.....	20,897,878
Pasco-Hernando.....	6,188,997
Pensacola.....	15,716,825
Polk.....	7,971,364
St. Johns River.....	7,755,380
St. Petersburg.....	28,195,509
Santa Fe.....	14,748,046
Seminole.....	9,394,822
South Florida.....	2,965,989
Tallahassee.....	17,425,918
Valencia.....	34,094,767

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

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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 2001-2002 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 178 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.

Funds provided in Specific Appropriation 178 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.

179A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HIGH DEMAND - RETURN ON
INVESTMENT
FROM GENERAL REVENUE FUND 10,000,000

Funds in Specific Appropriation 179A are to be spent for one-time costs associated with the development and expansion of degree programs targeted on those high demand occupations which meet the criteria of the February, 2001 Workforce Estimating Conference and which provide a high return on investment to the local economy.

Brevard.....	405,519
Broward.....	941,685
Central Florida.....	201,317
Chipola.....	54,713
Daytona Beach.....	456,842
Edison.....	256,490
Fla. CC @ Jax.....	749,579
Florida Keys.....	98,887
Gulf Coast.....	218,620
Hillsborough.....	501,205
Indian River.....	443,142
Lake City.....	161,146
Lake-Sumter.....	85,448
Manatee.....	241,830
Miami-Dade.....	1,378,373
North Florida.....	14,220
Okaloosa-Walton.....	164,405
Palm Beach.....	452,613
Pasco-Hernando.....	230,151
Pensacola.....	445,432
Polk.....	185,472
St. Johns River.....	57,701
St. Petersburg.....	688,017
Santa Fe.....	518,077
Seminole.....	247,301
South Florida.....	68,476
Tallahassee.....	151,864
Valencia.....	581,475

180 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROGRAM CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 7,046,772

Funds in Specific Appropriation 180 shall be allocated to the individual colleges based upon eligible private contributions received

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and reported as of February 16, 2001 for the Dr. Philip Benjamin Academic Improvement Program and the Health Care Education Quality Enhancement Program.

180A SPECIAL CATEGORIES
GRANTS AND AIDS - FACILITIES MATCHING PROGRAM
FROM GENERAL REVENUE FUND 8,803,228

Funds in Specific Appropriation 180A shall be allocated to the colleges as follows:

Broward.....	2,711,928
Central Florida.....	250,000
Daytona Beach.....	250,000
Edison.....	50,000
Florida Keys.....	250,000
Indian River.....	200,000
Lake-Sumter.....	442,000
St. Johns River.....	510,000
St. Petersburg.....	4,000,000
Seminole.....	64,300
South Florida.....	75,000

181 SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM GENERAL REVENUE FUND 6,442,582

182 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 450,000

183 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND 2,677,000

From the funds in Specific Appropriation 183, \$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 or their successor 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 2002-2003, which is to be reflected in their respective legislative budget requests.

Funds in Specific Appropriation 183 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 183 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.

\$350,000 of the funds in Specific Appropriation 183 are provided for the Distance Learning Consortium operations.

184 SPECIAL CATEGORIES
GRANTS AND AIDS - MARTIN LUTHER KING CENTER FOR NON-VIOLENCE
FROM GENERAL REVENUE FUND 100,000

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184A SPECIAL CATEGORIES
GRANTS AND AIDS - MIAMI BOOK FAIR
FROM GENERAL REVENUE FUND 200,000

184B SPECIAL CATEGORIES
GRANTS AND AID - LAKE-SUMTER TECHNOLOGY
FROM GENERAL REVENUE FUND 250,000

185 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 30,000

186 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 175,000

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS
FROM GENERAL REVENUE FUND 500,946,298

TOTAL ALL FUNDS 500,946,298

PROGRAM: POSTSECONDARY EDUCATION PLANNING COMMISSION

The funds in Specific Appropriations 187 through 191 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 or their successors 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, 2002.

The Postsecondary Education Planning Commission, in consultation with the State Board of Community Colleges, the Department of Education and the Board of Regents or their successors shall submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate, the following reports:

1. By December 1, 2001, the results of a detailed review that compares the costs of Workforce Development Education programs to the reimbursement received through the workforce formula. The report shall identify changes that are needed to ensure that high cost programs that meet priority workforce needs receive appropriate incentives. Specific recommendations for data collection, including definitions and data collection procedures, specific adjustments to formula calculations, and a timetable for implementation beginning with the 2002-2003 Fiscal Year shall be included in the report.

2. By December 1, 2001, the results of an evaluation of issues related to the productivity of faculty and other instructional positions and the impact on resource allocation at each university. The analysis shall include, but not be limited to:

- (a) The use of resources budgeted for faculty positions for regular faculty, part-time faculty, graduate assistants and other purposes.
- (b) An identification of the fiscal impact of the conversion of funds from the Salaries and Benefits expenditure category to the Other Personal Services expenditure category to support non-faculty instructional positions.
- (c) An identification of the average number of courses taught, the average and median class size of these courses, and the number of student credit hours produced by level per faculty member and other instructional teaching positions.
- (d) Purposes and outcomes of non-teaching assignments.

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- (e) An identification of the percent of lower level and upper level courses taught by faculty, by rank, and for other instructional positions, by type.
- (f) Alternative approaches used in other states to address and to increase faculty productivity.
- (g) An analysis of longitudinal trends in the productivity of faculty and other instructional positions.
- (h) Additional information needed to support the zero-based budgeting process.

3. By February 15, 2002, the results of a review of the roles of school districts and community colleges in registered apprenticeship programs and their responsibilities related to program quality and student achievement in basic and technical skills. The review will address the relationship of the number of hours of classroom instruction to on-the-job training; the demographic characteristics of the participants in the programs; the completion rate and average time to completion in the programs; and recommendations related to provisions for the start-up of new apprenticeship programs. The review will address the fiscal advantages and disadvantages of continuing to exempt matriculation and fees for registered apprentices and the impact of the apprenticeship programs on the Workforce Development Education Fund.

4. By December 1, 2001, an evaluation of the cost, benefits, and continued need for state appropriations to match private donations to community colleges and state universities. The evaluation shall consider but not be limited to:

- (a) The net returns on the investment of endowments after subtracting the cost to the institution of supporting the foundation from institutional operating funds, and the overhead cost assessed to the endowment accounts by foundations, the portion of the return on investments that must be reinvested to maintain the corpus of the endowment.
- (b) The degree to which the donor-driven allocation of funds through the matching process responds to the mission of the institution and the priorities of the state.
- (c) A comparison of the benefits derived from the total cumulative expenditures on these programs to benefits which could be expected from alternative investments such as equipping state of the art scientific labs.
- (d) An analysis of the use of the proceeds from the endowments.
- (e) An analysis of the number and type of endowments by program area.

If the evaluation concludes that the donation matching programs should be continued, the report shall include recommendations for improved accountability for the use of earnings from endowments that include state matching and a method for prioritization of state matching funds.

5. By December 1, 2001, an evaluation of the program offerings at branch campuses. The report shall describe the courses and complete degree programs available prior to the 1999-2000 fiscal year. The report shall then evaluate the utilization of funds specifically provided for the expansion of programs at university branch campuses and centers beginning with the 1999-2000 fiscal year. The report shall include a description of the new courses and programs implemented and planned for implementation, a description of when funds were provided, the amount of funding provided, the date upon which new programs were initiated, the date upon which courses began to be offered, the date upon which a degree program could be completed at the branch campus and the growth in enrollment related to each program beginning with 1998-1999 and projected out through 2003-2004.

187	SALARIES AND BENEFITS	POSITIONS	16
	FROM GENERAL REVENUE FUND		1,176,110
188	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		51,901

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189	EXPENSES		
	FROM GENERAL REVENUE FUND		204,831
190	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		28,680
191	SPECIAL CATEGORIES		
	SPECIAL STUDIES		
	FROM GENERAL REVENUE FUND		74,499
192	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		818
TOTAL: PROGRAM: POSTSECONDARY EDUCATION PLANNING COMMISSION			
	FROM GENERAL REVENUE FUND		1,536,839
	TOTAL POSITIONS		16
	TOTAL ALL FUNDS		1,536,839

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

193	LUMP SUM		
	I-4 CORRIDOR/HIGH TECHNOLOGY RESEARCH		
	FROM GENERAL REVENUE FUND		5,800,000
From the funds in Specific Appropriation 193, \$5,800,000 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.			
194	LUMP SUM		
	EDUCATIONAL AND GENERAL ACTIVITIES		
	FROM GENERAL REVENUE FUND	1260,438,169	
	FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		464,127,290
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		587,293
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,872,909
	FROM PHOSPHATE RESEARCH TRUST FUND		6,281,720

Funds in Specific Appropriations 194 through 199 contemplate that the matriculation and tuition fees collected for Summer Term 2002 enrollments shall not be expended during the 2001-2002 Fiscal Year.

From the funds in Specific Appropriations 10 through 13 and 194 through 199A, 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 194 through 209, no appropriated funds shall be used to promote litigation, for any centers and institutes.

The funds in Specific Appropriation 194, 195, 196, and 197 include \$55,241,209 for fee waivers.

From the funds in specific appropriation 194, the University of Florida and Florida State University shall work with FAMU to explore methods of addressing FAMU student articulation to the University of Florida and the Florida State University Medical Schools. A report shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2001 that reflects findings and recommendations regarding methods for providing and increasing articulation.

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From the funds in Specific Appropriation 10 through 13 and 194 through 209, 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 2001-2002 Standards
Graduation Rate for First Time in College (FTIC) students, using a six-year rate.....	.61%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

Funds in Specific Appropriations 194 and 198 are based upon the following full-time equivalent (FTE) enrollment:

Lower Level.....	53,495
Upper Level.....	69,940
Graduate.....	25,375
Total.....	148,810

Funding shall be allocated to each university based upon the following full-time equivalent (FTE) enrollment:

University of Florida;

Lower Level.....	10,996
Upper Level.....	12,671
Graduate.....	7,574
Total.....	31,241

Florida State University;

Lower Level.....	8,983
Upper Level.....	9,993
Graduate.....	4,536
Total.....	23,512

Florida Agricultural & Mechanical University;

Lower Level.....	4,123
Upper Level.....	3,471
Graduate.....	879
Total.....	8,473

University of South Florida;

Lower Level.....	6,394
Upper Level.....	9,793
Graduate.....	3,320
Total.....	19,507

Florida Atlantic University;

Lower Level.....	3,594
Upper Level.....	6,641
Graduate.....	1,745
Total.....	11,980

University of West Florida;

Lower Level.....	1,663
Upper Level.....	2,561
Graduate.....	687
Total.....	4,911

University of Central Florida

Lower Level.....	7,412
Upper Level.....	10,728
Graduate.....	2,490
Total.....	20,630

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Florida International University;

Lower Level.....	6,594
Upper Level.....	9,344
Graduate.....	2,976
Total.....	18,914

University of North Florida;

Lower Level.....	3,056
Upper Level.....	3,583
Graduate.....	802
Total.....	7,441

Florida Gulf Coast University;

Lower Level.....	681
Upper Level.....	1,155
Graduate.....	366
Total.....	2,202

Enrollment funds are based upon the following system-wide average funding per student:

- 1) Lower level - \$6,952
- 2) Upper Level - \$10,429
- 3) Graduate I Level - \$15,875
- 4) Graduate II Level - \$24,222

From the funds provided in Specific Appropriations 194 and 196, 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, 2002, the Commissioner of Education 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 2001, Final Fall 2001, and Preliminary Spring 2002 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 State Board of Education to areas of the State University System in which demand for courses exceeds the funded enrollment. The Commissioner of Education 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.

In the event the actual enrollment for any university exceeds the planned enrollment, resulting in larger student fee collections than anticipated, the Executive Office of the Governor may authorize an increase in spending authority from the Educational & General Student Fees Trust Fund for the purpose of supporting additional students.

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 Commissioner of Education shall segregate these FTEs and not count them toward the 2001-2002 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 194, 196, 197, 198 and 199 include a 7.5% tuition increase for in-state and out-of-state students.

Specific Appropriation 194 includes a General Revenue funding increase above the recurring FY 2000/01 appropriation for the following purposes:

Nanoscience and Technology - UCF.....	2,500,000
Information Science & Technology - UCF.....	2,500,000
High Technology Corridor Workforce Partnerships - UCF/USF...	1,000,000

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Space Partnership - UF/UCF.....	1,000,000
Biomedical Research - FAU.....	1,000,000
Hospitality and Entertainment Industry Academic Enhancement - UCF.....	1,375,000
Center for Advanced Power Systems - FSU.....	500,000
Institute of Technology - FIU.....	2,000,000
FAMU Law School.....	2,500,000
FIU Law School.....	2,500,000
Chiropractic Medicine - FSU.....	1,000,000
Infant & Child Development Center - USF.....	550,000
Haas Center for Business Research - UWF.....	350,000
Institute for Human and Machine Cognition - UWF.....	500,000
Internet Coast - FAU.....	150,000
Harbor Branch Marine Science - FAU.....	950,000
Florida Campus Compact.....	133,111
Ports Matching - USF.....	150,000
Urban Policy Institute - FAMU.....	250,000
Operating costs for new facilities.....	7,410,188
Education Governance transition costs.....	2,355,310

In addition, \$991,612 is provided for Education Governance transition costs from trust funds.

Funds in Specific Appropriation 194 include \$75,000 for the University of Central Florida to develop a feasibility study and implementation plan for a teacher preparation program which is based on three years of classroom instruction and one year of in-service teaching. During the fourth year in this program, students who have passed the CLAST shall be hired by participating school districts, shall work under a temporary teaching certificate, and shall receive credit for courses that include methods, ethics, and recognizing and meeting individual needs. During the in-service training component of this program, students shall work under mentor teachers who shall be considered adjunct faculty of the University which awards the degree. The University of Central Florida shall work in cooperation with the University of South Florida and the University of North Florida on this project. The University of Central Florida shall submit the results of this study and the implementation plan to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2001.

Funds in Specific Appropriation 194 for the Washington Internship Program may be disbursed in advance to the contractor on a quarterly basis.

Funds provided in Specific Appropriation 194 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 194 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.

No funds provided in Specific Appropriation 194 may be used to implement new Programs in Medical Sciences (PIMS) or the equivalent without specific legislative authorization.

From the funds provided in Specific Appropriation 194, \$150,000 from the General Revenue Fund shall be transferred to the Postsecondary Education Planning Commission, or its successor organization, to fund a study of faculty productivity and contracted studies.

195 LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS

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FROM GENERAL REVENUE FUND	109,495,130
FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND	3,419,042
FROM EXPERIMENT STATION INCIDENTAL TRUST FUND	1,088,459
FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND	4,276,475
FROM EXTENSION SERVICE INCIDENTAL TRUST FUND	1,295,560

From the funds in Specific Appropriation 195 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 195 includes a General Revenue funding increase above the recurring FY 2000-2001 appropriation for the following purposes:

Operating costs for new facilities.....	480,128
North Florida Research and Education Center equipment upgrades relating to the beef and forage industries.....	200,000
I-4 Corridor - Hillsborough Community College Plant City.....	400,000
Northwest Orange County Education and Business Center - Apopka.....	100,000

196 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS

FROM GENERAL REVENUE FUND	48,633,281
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	8,359,553

Specific Appropriation 196 includes a General Revenue funding increase above the recurring FY 2000-2001 Appropriation for the following purposes:

Enrollment Growth.....	359,496
Family Practice Center-USF.....	500,000

Funds in Specific Appropriation 196 are based upon the following total full-time equivalent enrollment:

Lower Level.....	54
Upper Level.....	239
Graduate.....	569
M.D.....	401

197 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS

FROM GENERAL REVENUE FUND	82,283,264
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	10,911,623
FROM INCIDENTAL TRUST FUND	12,480,273
FROM UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS AND MAINTENANCE TRUST FUND	7,671,808

Specific Appropriation 197 includes a General Revenue funding increase above the recurring FY 2000-2001 Appropriation of \$21,772 for operating costs for new facilities.

Funds in Specific Appropriation 197 are based upon the following total full-time equivalent enrollment:

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Dentistry.....	330
Vet. Medicine.....	317
M.D.....	440

198 LUMP SUM

LUMP SUM - OPERATION OF BRANCH CAMPUSES AND CENTERS	
FROM GENERAL REVENUE FUND	100,664,782
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	36,959,300

From the funds in Specific Appropriation 198, an increase of \$10,500,000 is 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.....	486,000
Brevard.....	1,435,000
Pinellas.....	2,436,000
Polk.....	1,324,000
Indian River/St. Lucie/Martin/Northern Palm Beach.....	1,096,000
Sarasota/Manatee.....	677,500
Volusia.....	1,229,000
Okaloosa.....	639,000
New College.....	1,177,500

The Florida Board of Education or the State Board of Education 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 corridor adjustment.

From the funds in Specific Appropriation 198, each university shall prepare and administer a separate operating budget for each branch campus and center. At a minimum, such budget shall reflect the actual funding available for each branch campus or center for FY 2000-2001, all increases provided by the 2001 Legislature and all funds generated locally, including concession funds, local fees, and research overhead. These budgets shall be submitted to the State Board of Education for approval.

The FTE students funded from specific appropriation 198 shall be excluded from the funded enrollment plan when making enrollment comparisons. A budget amendment may be submitted to the Executive Office of the Governor requesting student fee trust fund authority for the student fee revenue associated with the FTE generated from these funds.

Contingent upon Senate Bill 2108, Senate Bill 986 or similar legislation authorizing the establishment of New College as an independent institution becoming law, the funds provided for New College in Specific Appropriation 198 shall be transferred to Specific Appropriation 194 for New College. These funds include scholarship funding, the direct costs, indirect costs and fifty percent of the shared costs as reported to the Legislature by the University of South Florida. With these funds, New College may contract with the University of South Florida for certain central services that are currently provided by USF or those that can be more economically provided by USF. Release of funds to New College and the University of South Florida Sarasota/Manatee is contingent upon the signing of a management agreement by the President/Dean and Warden of New College and the President of the University of South Florida specifying the services to be provided by each university. In addition, the \$1,177,500 in new funding appropriated for New College in Specific Appropriation 198 shall also be transferred.

199 LUMP SUM

FLORIDA STATE UNIVERSITY MEDICAL SCHOOL	
FROM GENERAL REVENUE FUND	15,657,796
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	305,045

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Specific Appropriation 199 includes an increase above the recurring FY 2000-2001 appropriation of \$3,872,169 in General Revenue and \$305,045 in student fees for FSU Medical School.

Funds in Specific Appropriation 199 are based upon the following full-time equivalent (FTE) enrollment:

M.D.....	30
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199A LUMP SUM

COLLEGE AND UNIVERSITY CENTERS	
FROM GENERAL REVENUE FUND	6,000,000

Funds in Specific Appropriation 199A are for the purpose of increasing access to baccalaureate degree programs through the use of community colleges as specified in SB 1190, SB 1636, SB 2108 or similar legislation. From these funds, \$1,000,000 shall be transferred to St. Petersburg Community College/St. Petersburg College to begin the development of programs and \$5,000,000 is for Targeted Baccalaureate Degrees for other colleges.

201 SPECIAL CATEGORIES

GRANTS AND AIDS - CANCER CENTER OPERATION	
FROM GENERAL REVENUE FUND	11,135,170

From the funds in Specific Appropriation 201, \$11,135,170 may be transferred to the Agency for Health Care Administration; however, such transfer is contingent upon the Agency assuring that the participating hospital's benefit equals or exceeds these funds.

202 SPECIAL CATEGORIES

CHALLENGE GRANTS	
FROM GENERAL REVENUE FUND	11,562,632
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND	6,663,165
FROM MAJOR GIFTS TRUST FUND	17,007,214

Funds in Specific Appropriation 202 shall be used to match private donations to the State University System for projects that are consistent with the mission of the university as defined by the current strategic plan.

204 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 204 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, 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.

Funds in Specific Appropriation 204 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 204, \$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.

205 SPECIAL CATEGORIES

LIBRARY RESOURCES	
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FROM GENERAL REVENUE FUND	37,231,712	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		6,663,166
206 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	9,488,171	
FROM PHOSPHATE RESEARCH TRUST FUND		1,305
207 SPECIAL CATEGORIES		
STUDENT FINANCIAL AID		
FROM GENERAL REVENUE FUND	20,695,215	

A minimum of 71% of the funds provided in Specific Appropriation 207 shall be allocated for need-based financial aid.

208A SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - STATE EMPLOYEE EDUCATION VOUCHERS		
FROM GENERAL REVENUE FUND	500,000	

Funds in Specific Appropriation 208A include \$500,000 for the State Employee Education Voucher program for the purpose of paying the matriculation fees for state employees to attend public postsecondary education institutions in the state. These funds shall be transferred to the Department of Management Services. The Department shall develop procedures for administering the program.

209 FINANCIAL ASSISTANCE PAYMENTS		
SCHOLARSHIPS		
FROM GENERAL REVENUE FUND	5,317,055	

Specific Appropriation 209 includes funding for the minority law scholarships, of which up to 10% may be used to support administrative costs of the MPLE program.

210 FINANCIAL ASSISTANCE PAYMENTS		
VIRGIL HAWKINS FELLOWSHIP PROGRAM		
FROM GENERAL REVENUE FUND	714,794	

212 FIXED CAPITAL OUTLAY		
STATE UNIVERSITY SYSTEM FACILITY ENHANCEMENT CHALLENGE GRANTS		
FROM GENERAL REVENUE FUND	30,941,120	

Funds are provided in Specific Appropriation 212 for the following projects:

FAMU	
Journalism Building Supplement (p,c,e).....	540,000
FAU	
College of Nursing /Education & Research (p,c,e).....	1,500,000
FGCU	
Student Support Center (p,c,e).....	1,095,000
FIU	
Art Museum (c,e).....	725,772
FSU	
Tibbals Learning Center (p,c,e).....	4,500,274
Concert Hall (p).....	2,125,000
Ringling Ca'd'zan Renovation.....	894,275
UCF	
School of Hospitality Management (s,p,c,e).....	13,000,000
UF	
Lepidoptera Facility (p,c,e).....	4,200,000
UNF	
Fine Arts Complex - Phase I (c,e).....	576,303
USF	
Engineering Building III Enhancement (p,c,e).....	500,000
UWF	
International House Village/Classroom Facility (p,c,e).....	1,284,496

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A portion of the funds appropriated within Specific Appropriation 212 for the UCF Hospitality Management project may be expended to match private funds expended by the UCF Foundation, during FY 2000-2001 or thereafter, to acquire a site for the project.

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES		
FROM GENERAL REVENUE FUND	1758,885,291	
FROM TRUST FUNDS		590,971,200
TOTAL ALL FUNDS		2349,856,491

BOARD OF REGENTS GENERAL OFFICE

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

214 SALARIES AND BENEFITS	POSITIONS	101	
FROM GENERAL REVENUE FUND		5,536,062	
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .			537,712
FROM OPERATIONS AND MAINTENANCE TRUST FUND			489,559
215 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		585,802	
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .			36,907
FROM OPERATIONS AND MAINTENANCE TRUST FUND			70,500
216 EXPENSES			
FROM GENERAL REVENUE FUND		1,559,765	
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND .			11,700
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .			110,368
FROM OPERATIONS AND MAINTENANCE TRUST FUND			577,899
217 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		98,275	
218 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		80,083	
218A FIXED CAPITAL OUTLAY			
STATE UNIVERSITY SYSTEM CAPITAL IMPROVEMENT FEE PROJECTS			
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND .			73,099,797

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 218A :

UF	
O'Connell Center Roof Replacement & Fac Capital Renewal...	1,500,000
Reitz Union Ballroom & Capital Renewal Projects (including reimbursement to Auxiliary Trust Fund).....	2,000,000
New Bookstore w/ attached parking & Visitor/Welcom Center Development & Upgrade of Active and Passive Rec Fac.....	6,300,000
Campus Security Lighting.....	1,700,000
980,330	
FSU	
Student Life Bldg - reimbursement to Auxiliary Trust Fund.	776,000
Outdoor Improvements - Campus Rec & Student Activities....	350,000
Student Services & Parking Improvements.....	5,100,000
Oglesby Student Union Renovations.....	2,470,096
Enhancement to Gray House, Panama City Campus.....	60,000
FAMU	
Recreation Center - Phase 1.....	8,529,352
USF	
Sun Dome Roof Replacement (reimburse Auxiliary Trust Fund)	3,833,242
Athletic Training Center - Tampa.....	973,725
Marshall Center Remodeling - Tampa.....	1,505,663
Upgrade & Expand Recreational Facilities - Tampa.....	325,000
Student Activity/Recreation & Campus Central Core	

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Enhancements - St. Petersburg.....	505,922
Student Recreational/Support Facilities Imp. New College..	228,198
Student Recreational/Support Fac Imp. - Sarasota/Manatee..	229,158
Student Outdoor Fac & Interior Space Imp - Lakeland.....	153,980
FAU	
Parking Structure - Boca.....	2,158,980
University Center Renovations - Boca.....	985,000
All Night Study Area, Library - Boca.....	1,010,166
Career Development Center Renovation - Boca.....	38,000
Recreational Facilities Enhancement - Boca.....	160,000
Slattery Center Addition - Boca.....	804,200
Student Activities Center Planning - Davie (P).....	210,000
Student Activities Center Space Imp. - Broward Downtown, Commercial Campus & Davie.....	210,000
Student Services Remodel - MacArthur.....	20,263
Enhance Recreational Areas - MacArthur & Treasure Coast...	344,636
Site Improvements - MacArthur.....	30,000
Expansion of Commons Dining Hall at MacArthur Campus.....	497,000
Student Services Remodel - Treasure Coast.....	90,000
UWF	
Remove/Replace 1/2 Fieldhouse Bleachers - Reimbursement...	450,000
Resurface Track/Drainage Erosion Control- Reinbursement...	459,450
Outdoor Rec Areas at Residence Halls, Village Campus Green	15,000
Recreational Field Improvements.....	320,000
Ren Fieldhouse for Intercollegiate Athletics/Recreation...	552,988
UCF	
Remodel Student Resource Center.....	3,977,933
Recreational Services Outdoor Pool.....	2,898,544
Student Union Additional Buildout.....	2,000,000
Intercollegiate Athletic Complex Building.....	2,000,000
Tennis Center.....	750,000
Daytona Bch & Brevard Campuses Rem of Stu. Services Areas.	100,000
FIU	
Recreation Center - Phase I.....	8,983,721
Wolfe Center Renovations and Expansion.....	1,700,000
Womens Shower Locker Facility.....	200,000
UNF	
Track Soccer Stadium, including reimburse Auxiliary TF....	4,154,980
FGCU	
Playfields.....	458,270
<p>\$3,934,372 of the funds appropriated for the FAMU Recreation Center project are contingent upon reversion of the FAMU Recreation Center project contained within Specific Appropriation Item 209C of Chapter 98-422, Laws of Florida.</p> <p>Funds provided for the FAU Expansion of Commons Dining Hall - MacArthur Campus are contingent upon reversion of the FAU Wellness Center Expansion project contained within Specific Appropriation Item 209C of Chapter 98-422, Laws of Florida.</p> <p>Funds provided for the FIU Wolfe University Center Renovations and Expansion project and the FIU Womens Shower Locker Facility project are contingent upon reversion of the FIU Student Alumni House project contained within Specific Appropriation Item 209C of Chapter 98-422, Laws of Florida.</p>	
218B FIXED CAPITAL OUTLAY	
DEBT SERVICE	
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND .	19,500,000
TOTAL: PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES	
FROM GENERAL REVENUE FUND	7,859,987
FROM TRUST FUNDS	94,434,442
TOTAL POSITIONS	101
TOTAL ALL FUNDS	102,294,429

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TOTAL OF SECTION 2	POSITIONS	2,058
FROM GENERAL REVENUE FUND	10890,725,198	
FROM TRUST FUNDS		4092,870,114
TOTAL ALL FUNDS		14983,595,312
SECTION 3 - HUMAN SERVICES		
<p>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.</p>		
AGENCY FOR HEALTH CARE ADMINISTRATION		
PROGRAM: ADMINISTRATION AND SUPPORT		
219 SALARIES AND BENEFITS	POSITIONS	303
FROM GENERAL REVENUE FUND	2,468,909	
FROM HEALTH CARE TRUST FUND		9,669,132
FROM ADMINISTRATIVE TRUST FUND		2,306,812
FROM TOBACCO SETTLEMENT TRUST FUND		18,921
220 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	173,917	
FROM HEALTH CARE TRUST FUND		393,357
FROM ADMINISTRATIVE TRUST FUND		331,681
221 EXPENSES		
FROM GENERAL REVENUE FUND	951,780	
FROM HEALTH CARE TRUST FUND		3,836,028
FROM ADMINISTRATIVE TRUST FUND		1,165,898
FROM TOBACCO SETTLEMENT TRUST FUND		10,903
222 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	200,356	
FROM HEALTH CARE TRUST FUND		157,811
FROM ADMINISTRATIVE TRUST FUND		716,471
FROM TOBACCO SETTLEMENT TRUST FUND		106,260
223 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	14,053	
FROM HEALTH CARE TRUST FUND		97,041
FROM ADMINISTRATIVE TRUST FUND		14,054
223A 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	3,809,015	
FROM TRUST FUNDS		19,238,812
TOTAL POSITIONS		303
TOTAL ALL FUNDS		23,047,827
PROGRAM: HEALTH CARE SERVICES		

From the funds in Specific Appropriation 225 through 290, the Health Care Services Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

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OUTCOMES:	
11. Percent of hospitalizations for conditions preventable	
by good ambulatory care - KidCare.....	7.3%
12. Percent of hospitalizations that are preventable	
by good ambulatory care - Medicaid.....	12.0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

CHILDREN'S SPECIAL HEALTH CARE

Funds in Specific Appropriations 225, 227, 228, and 229 are provided to operate the Florida KidCare Program. 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.

225	EXPENSES	
	FROM TOBACCO SETTLEMENT TRUST FUND	704,548
	FROM MEDICAL CARE TRUST FUND	1,614,571
227	SPECIAL CATEGORIES	
	GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION	
	FROM TOBACCO SETTLEMENT TRUST FUND	75,419,651
	FROM MEDICAL CARE TRUST FUND	148,623,632

Funds in Specific Appropriation 227 are for the operation of the Florida Kidcare Program. The 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 Tobacco Settlement Trust Fund for health insurance coverage for state funded (non-Title XXI) eligible children. No local matching funds are required for FY 2001-02 for the KidCare program, however, the Florida Healthy Kids Corporation shall develop and implement a local match policy for the purpose of continuing and expanding coverage of uninsured children who do not meet the eligibility requirements of Title XXI. The Florida Healthy Kids Corporation shall replace local match from 2000-2001 funding.

228	SPECIAL CATEGORIES	
	MEDIKIDS	
	FROM TOBACCO SETTLEMENT TRUST FUND	8,170,634
	FROM GRANTS AND DONATIONS TRUST FUND . . .	2,803,834
	FROM MEDICAL CARE TRUST FUND	18,725,055
229	SPECIAL CATEGORIES	
	CHILDREN'S MEDICAL SERVICES NETWORK	
	FROM TOBACCO SETTLEMENT TRUST FUND	10,251,578
	FROM GRANTS AND DONATIONS TRUST FUND . . .	620,025
	FROM MEDICAL CARE TRUST FUND	23,486,697

From the funds in Specific Appropriation 229, the Agency for Health Care Administration and Department of Health shall design an Integrated Pediatric Care System for the area of the state covering the Department of Children and Family Services' Districts 1 and 2. This pilot program shall be a seamless managed health care system and include children who are eligible for Medicaid, Medikids and the CMS Network. The Agency for Health Care Administration and Department of Health shall submit a report to the Governor, Speaker of the House of Representatives, and President of the Senate no later than November 1, 2001.

TOTAL: CHILDREN'S SPECIAL HEALTH CARE	
FROM TRUST FUNDS	290,420,225

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TOTAL ALL FUNDS	290,420,225
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EXECUTIVE DIRECTION AND SUPPORT SERVICES

The Agency for Health Care Administration shall establish methods to improve the quality of care and the cost effectiveness of the MediPass program. The methods shall include, but are not limited to, the establishment of a pilot (or pilots) to test new approaches to better manage the access to and utilization of appropriate health care services. The Agency shall contract with physician owned and operated organizations which have experience in managing care for the Medicaid and Medicare programs, and at least one pilot shall utilize a predominantly minority-physician network, with a history of providing service to Medicaid populations. The Agency is authorized to develop a payment methodology which may include shared savings with contractors, but shall not increase spending relative to current appropriations. The Agency is authorized to seek federal waivers, if necessary, to implement these provisions.

230	SALARIES AND BENEFITS	POSITIONS	693
	FROM GENERAL REVENUE FUND		11,235,041
	FROM HEALTH CARE TRUST FUND		300,600
	FROM ADMINISTRATIVE TRUST FUND		18,754,954
	FROM TOBACCO SETTLEMENT TRUST FUND		101,089
	FROM GRANTS AND DONATIONS TRUST FUND . . .		193,600

The Agency for Health Care Administration shall prepare quarterly reports detailing its implementation of the components of the Medicaid prescribed-drug spending control program as required by Chapter 2000-367, Laws of Florida. The format of the reports shall be prescribed by the Legislative Auditing Committee. The first report shall be due on or before September 30, 2001. These reports shall be provided to the Legislative Auditing Committee.

The Agency for Health Care Administration is authorized to contract the administration of drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a data base of rebate collections.

The Agency for Health Care Administration, in conjunction with the Department of Children and Family Services, shall conduct a study of fingerprint imaging and other recent technological developments to determine if any of the latest developments would aid the agency in improving program efficiencies or fraud and abuse detection and prevention efforts. The agency shall submit a report to the House and Senate by January 1, 2002.

The agency is authorized to seek federal Medicaid waivers or a state plan amendment from the Health Care Financing Administration to create a special Medicaid payment to increase reimbursement to Medicaid participating organ transplant facilities.

In order to maximize all available federal funds allowable by federal law to the state, the Agency for Health Care Administration is authorized to seek and receive, in compliance with Chapter 216, F.S., additional budget authority to implement the expansion of existing programs utilizing increased federal reimbursement programs. Such expansions may include a limited expanded Medicaid program for nursing home services utilizing the Medicaid upper payment limit options for governmental funded nursing homes. All such expansions shall be contingent upon the availability of state match from local sources that do not increase the current requirement for state General Revenue or Tobacco Settlement Trust Funds. The agency shall report to the Chairs of the Senate Appropriations Committee and the House Fiscal Responsibility Council on all proposed or expansions under this provision by March 1, 2002.

The agency shall contract for a study to review and make recommendations on the MediPass program. At a minimum, the contractor shall recommend MediPass cost control measures, improved management of the MediPass primary care physician network, develop and implement alternative managed care arrangements, improve access to primary and specialty care,

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and develop and implement information systems needed for management, analysis, and reporting purposes. The purpose of the study is to ensure that the Medicaid program fully realizes the programmatic and cost benefits of managed care while maintaining the MediPass option. The contract shall be funded from estimated savings to the Medicaid program. The report shall be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 31, 2002.

231	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	424,119	
	FROM HEALTH CARE TRUST FUND		237,668
	FROM ADMINISTRATIVE TRUST FUND		14,302,426
	FROM TOBACCO SETTLEMENT TRUST FUND		29,806
232	EXPENSES		
	FROM GENERAL REVENUE FUND	4,684,759	
	FROM HEALTH CARE TRUST FUND		22,114
	FROM ADMINISTRATIVE TRUST FUND		18,003,937
	FROM TOBACCO SETTLEMENT TRUST FUND		214,110
	FROM GRANTS AND DONATIONS TRUST FUND		188,728

From the funds in Specific Appropriations 230 and 232, positions and associated funding relating to the Medicaid Third Party Liability Program may be restored if the bureau employees are the successful bidders in the Medicaid Third Party Liability Procurement.

From the funds in Specific Appropriation 232, \$2,000,000 from the General Revenue Fund and \$3,000,000 from the Administrative Trust Fund are provided to contract for a prior authorization and concurrent review program for hospital non-emergency admissions.

From the funds in Specific Appropriation 232, \$500,000 from the General Revenue Fund is provided for the Autoimmune Center at the University of Florida.

From the funds in Specific Appropriation 232, \$2,500,000 from the Administrative Trust Fund is provided to continue implementation of an advanced system for detecting Medicaid fraud and abuse.

The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, is authorized to continue to convene in FY 2001-02 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. In addition, the task force shall review the federal status of the upper payment limit funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities. The task force shall present its findings and recommendations to the Legislature no later than January 7, 2002.

From the funds in Specific Appropriation 232 the Agency for Health Care Administration shall contract with a consultant, which shall be a recognized not-for-profit 501(c) 3 organization, charged with the responsibility of providing hemophilia related cost containment and case management services to hemophiliacs currently on Medicaid. This contract shall be a contingent fee contract based on actual cost recoveries.

233	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	60,522	
	FROM ADMINISTRATIVE TRUST FUND		295,022
234	SPECIAL CATEGORIES		
	PHARMACEUTICAL EXPENSE ASSISTANCE		
	FROM TOBACCO SETTLEMENT TRUST FUND		30,250,000
235	SPECIAL CATEGORIES		
	COMMUNITY HOSPITAL EDUCATION PROGRAM		
	FROM ADMINISTRATIVE TRUST FUND		750,000

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236	SPECIAL CATEGORIES		
	CONTRACT NURSING HOME AUDIT PROGRAM		
	FROM GENERAL REVENUE FUND	656,779	
	FROM ADMINISTRATIVE TRUST FUND		656,779
237	SPECIAL CATEGORIES		
	MEDICAID FISCAL CONTRACT		
	FROM GENERAL REVENUE FUND	19,818,805	
	FROM ADMINISTRATIVE TRUST FUND		46,565,500
	FROM TOBACCO SETTLEMENT TRUST FUND		298,196
	FROM REFUGEE ASSISTANCE TRUST FUND		106,666

From the funds in Specific Appropriation 237, \$890,625 from the General Revenue Fund and \$8,015,625 from the Administrative Trust Fund are provided for the implementation of the Health Insurance Patient Portability and Accountability Act. This project shall be subject to monitoring as a critical information resources management project under section 282.322, F.S. From these funds, \$178,125 shall be transferred to the Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions of Chapter 216, F.S. The project monitor shall also provide copies of their findings and reports to the State Technology Office to facilitate corrective action as necessary.

238	SPECIAL CATEGORIES		
	MEDICAID PEER REVIEW		
	FROM GENERAL REVENUE FUND	950,000	
	FROM ADMINISTRATIVE TRUST FUND		3,283,268
239	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	154,621	
	FROM ADMINISTRATIVE TRUST FUND		154,622
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	37,984,646	
	FROM TRUST FUNDS		134,709,085
	TOTAL POSITIONS	693	
	TOTAL ALL FUNDS		172,693,731

MEDICAID SERVICES TO INDIVIDUALS

242	SPECIAL CATEGORIES		
	ADULT DENTAL, VISUAL AND HEARING SERVICES		
	FROM GENERAL REVENUE FUND	13,721,034	
	FROM TOBACCO SETTLEMENT TRUST FUND		2,000,000
	FROM MEDICAL CARE TRUST FUND		20,377,783
	FROM REFUGEE ASSISTANCE TRUST FUND		584,116
243	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRIMARY CARE CHALLENGE		
	GRANT WAIVER		
	FROM MEDICAL CARE TRUST FUND		5,561,111
244	SPECIAL CATEGORIES		
	CASE MANAGEMENT		
	FROM GENERAL REVENUE FUND	34,947,203	
	FROM TOBACCO SETTLEMENT TRUST FUND		47,246
	FROM MEDICAL CARE TRUST FUND		41,737,992
	FROM REFUGEE ASSISTANCE TRUST FUND		12,911

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 244 results in state match requirements exceeding \$13,000,000, the Department of Children and Family Services shall transfer General Revenue to cover the increased state match requirements from Specific Appropriation 400.

From the funds in Specific Appropriation 244, \$6,456,573 from the General Revenue Fund is provided as state matching funds for the fee increase for specific behavioral health procedures that was implemented on April 1, 2000.

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The Agency for Health Care Administration is authorized to work with the Department of Children and Family Services and the local children's services councils to develop a targeted case management program for children who are victims of abuse and neglect or at risk of becoming victims of abuse and neglect in order to fully implement Specific Appropriation 244. This authority may be used both for seeking federal approval and for drawing down federal dollars by certifying the councils' funds as local match.

245	SPECIAL CATEGORIES		
	THERAPEUTIC SERVICES FOR CHILDREN		
	FROM GENERAL REVENUE FUND	57,699,741	
	FROM TOBACCO SETTLEMENT TRUST FUND		308,154
	FROM MEDICAL CARE TRUST FUND		108,199,477
	FROM REFUGEE ASSISTANCE TRUST FUND		53,250

From the funds in Specific Appropriation 245, \$18,227,196 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.

The funds in Specific Appropriation 245 reflect a reduction of \$2,469,508 from the General Revenue Fund, \$13,189 from the Tobacco Settlement Trust Fund, \$4,630,862 from the Medical Care Trust Fund, and \$2,279 from the Refugee Assistance Trust Fund as a result of prior authorization of high cost mental health procedure codes and overutilization of procedure codes.

246	SPECIAL CATEGORIES		
	COMMUNITY MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	23,579,145	
	FROM MEDICAL CARE TRUST FUND		30,563,549
	FROM REFUGEE ASSISTANCE TRUST FUND		232,325

The funds in Specific Appropriation 246 reflect a reduction of \$1,241,007 from the General Revenue Fund, \$1,608,613 from the Medical Care Trust Fund and \$12,223 from the Refugee Assistance Trust Fund as a result of prior authorization of high cost mental health procedure codes and overutilization of procedure codes.

247	SPECIAL CATEGORIES		
	DEVELOPMENTAL EVALUATION AND INTERVENTION/ PART C		
	FROM TOBACCO SETTLEMENT TRUST FUND		275
	FROM MEDICAL CARE TRUST FUND		9,116,946
	FROM REFUGEE ASSISTANCE TRUST FUND		501

Funds in Specific Appropriation 247 shall be contingent on the availability of state match being provided in Specific Appropriation 607.

248	SPECIAL CATEGORIES		
	EARLY AND PERIODIC SCREENING OF CHILDREN		
	FROM GENERAL REVENUE FUND	53,678,993	
	FROM TOBACCO SETTLEMENT TRUST FUND		328,951
	FROM MEDICAL CARE TRUST FUND		70,328,890
	FROM REFUGEE ASSISTANCE TRUST FUND		359,612

249	SPECIAL CATEGORIES		
	GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL ASSISTANCE PROGRAM		
	FROM GENERAL REVENUE FUND	2,372,635	
	FROM TOBACCO SETTLEMENT TRUST FUND		500,000
	FROM GRANTS AND DONATIONS TRUST FUND		4,751,302
	FROM MEDICAL CARE TRUST FUND		8,929,372

Funds in Specific Appropriation 249 shall be used for a federally-matched Rural Hospital Disproportionate Share program and a state-funded Rural Hospital Financial Assistance program as provided in s. 409.9116, Florida Statutes. Specific Appropriation 249 also includes an appropriation of \$471,487 from the Grants and Donations Trust Fund and \$610,650 from the Medical Care Trust Fund for additional hospitals that qualify as rural hospitals on or after July 1, 1998. This

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additional appropriation of funds holds harmless those rural hospitals participating in the program prior to July 1, 1998 from incurring a reduction in payments in accordance with s. 409.9116 (7), Florida Statutes.

250	SPECIAL CATEGORIES		
	FAMILY PLANNING		
	FROM GENERAL REVENUE FUND	1,089,761	
	FROM TOBACCO SETTLEMENT TRUST FUND		8,358
	FROM MEDICAL CARE TRUST FUND		9,883,061
	FROM REFUGEE ASSISTANCE TRUST FUND		31,084

251	SPECIAL CATEGORIES		
	GRADUATE MEDICAL EDUCATION		
	FROM GRANTS AND DONATIONS TRUST FUND		8,600,001
	FROM MEDICAL CARE TRUST FUND		11,138,353

Funds in Specific Appropriation 251 are provided for Disproportionate Share payments to statutory teaching hospitals, to be distributed in accordance with s. 409.9113, Florida Statutes. These funds reflect a fund shift of \$5,888,862 from General Revenue to the Grants and Donations Trust Fund and are contingent upon receipt of county contributions.

252	SPECIAL CATEGORIES		
	HOME HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	35,314,503	
	FROM TOBACCO SETTLEMENT TRUST FUND		3,226,868
	FROM MEDICAL CARE TRUST FUND		49,928,630
	FROM REFUGEE ASSISTANCE TRUST FUND		31,279

Funds in Specific Appropriation 252 reflect a reduction of \$520,635 from the General Revenue Fund, \$1,170 from the Tobacco Settlement Trust Fund, \$736,952 from the Medical Care Trust Fund and \$47,731 from the Refugee Assistance Trust Fund as a result of implementing a policy to pay for specific durable medical equipment products on a competitively bid basis, effective October 1, 2001.

From the funds in Specific Appropriation 252, \$654,359 from the General Revenue Fund and \$848,188 from the Medical Care Trust Fund is provided to increase fees for home health visits by licensed nurses by 11 percent and home health aide visits by 13 percent, effective January 1, 2002.

From the funds in Specific Appropriations 252, 253, 254, 257, 266, and 267 \$1,194,213 from the General Revenue Fund and \$2,721,237 from the Medical Care Trust Fund may be used to provide Medicaid coverage for individuals screened through the Florida Centers for Disease Control Breast and Cervical Early Detection program grant.

253	SPECIAL CATEGORIES		
	HOSPICE SERVICES		
	FROM GENERAL REVENUE FUND	32,212,197	
	FROM TOBACCO SETTLEMENT TRUST FUND		9,390
	FROM MEDICAL CARE TRUST FUND		41,821,487
	FROM REFUGEE ASSISTANCE TRUST FUND		17,001

254	SPECIAL CATEGORIES		
	HOSPITAL INPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	131,548,596	
	FROM TOBACCO SETTLEMENT TRUST FUND		8,088,785
	FROM GRANTS AND DONATIONS TRUST FUND		364,912,599
	FROM MEDICAL CARE TRUST FUND		1115,522,326
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		337,500,000
	FROM REFUGEE ASSISTANCE TRUST FUND		1,853,919

From the funds in Specific Appropriation 254, \$74,828,036 from the Grants and Donations Trust Fund and \$96,914,072 from the Medical Care Trust Fund are appropriated for a Hospital Disproportionate Share Program, and shall be distributed in accordance with s. 409.911, Florida Statutes. Funds appropriated are contingent upon receipt of county contributions. If the total amount earned by all hospitals under this

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section exceeds the amount appropriated, each hospital's share shall be reduced on a prorata basis so that the total dollars distributed does not exceed the total amount appropriated. One-fourth of the total amount shall be distributed at the end of each quarter of Fiscal Year 2001-2002. These funds reflect an increase of \$16,882,394 from the Grants and Donations Trust Fund and \$21,865,355 from the Medical Care Trust Fund.

The funds in Specific Appropriations 254 and 257, relating to the Hospital Disproportionate Share program; eliminating both inpatient and outpatient reimbursement ceilings for teaching, specialty and Community Hospital Education Program hospitals; special Medicaid payments to statutory teaching hospitals, children's hospitals, and other hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients; making additional special Medicaid payments to qualifying hospitals; and hospitals qualifying for primary care disproportionate share payments, are contingent upon a fund shift of \$45,000,000 from the General Revenue Fund to the Grants and Donations Trust Fund. These funds will be used to assist in funding the state share of expenditures for these appropriations.

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.

From the funds in Specific Appropriation 254, \$24,849,338 from the Grants and Donations Trust Fund and \$32,183,800 from the Medical Care Trust Fund is provided for the special Medicaid payments to statutory teaching hospitals, hospitals providing primary care to low-income individuals, hospitals which operate designated or provisional trauma centers and rural hospitals. Statutory teaching hospitals that qualify for Graduate Medical Education disproportionate share (DSH) hospital program shall be paid \$15,066,569 distributed in the same proportion as the Graduate Medical Education DSH payments. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$15,066,569 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid \$15,400,000. Of this amount, \$6,000,000 shall be distributed equally between the hospitals which are a Level I trauma center; \$6,000,000 shall be distributed equally between the hospitals which are either a Level II or Pediatric trauma center; \$3,400,000 shall be distributed equally between the hospitals which are both a Level II and Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$11,500,000 distributed in the same proportion as the DSH payments.

From the funds in Specific Appropriation 254, \$3,051,190 from the Grants and Donations Trust Fund and \$3,951,771 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. Hospitals that exceed the fifteen percent as described above and are a trauma center shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

From the funds in Specific Appropriation 254, \$2,089,135 from the Grants and Donations Trust Fund and \$2,705,757 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

From the funds in Specific Appropriations 254, \$3,000,000 from the General Revenue Fund, \$9,216,676 from the Grants and Donations Trust Fund and \$15,822,515 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals which serve as a safety net

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in providing emergency and inpatient care to low-income and indigent individuals. Of these amounts, \$12,185,472 shall be paid to University Medical Center - Shands, \$6,999,743 shall be paid to All Children's Hospital, \$2,769,180 shall be paid to Miami Children's Hospital, \$2,487,882 shall be paid to Orlando Regional Medical Center, and \$3,596,914 shall be paid to Mt. Sinai Medical Center.

From the funds in Specific Appropriation 254, \$20,922,149 from the General Revenue Fund, \$150,750,434 from the Grants and Donation Trust Fund and \$222,342,986 from the Medical Care Trust Fund are provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.

From the funds in Specific Appropriation 254, \$6,484,964 from the General Revenue Fund and \$8,399,047 from the Medical Care Trust Fund are provided to make special Medicaid payments to the statutory teaching hospitals. These funds shall be used by the statutory teaching hospitals in coordination with the Florida Department of Health and the Area Health Education Centers to enhance medical education programs.

From the funds in Specific Appropriation 254, \$38,758,184 from the Grants and Donations Trust Fund and \$50,197,941 from the Medical Care Trust Fund are 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. In the event the state share provided through grants and donations is not available to fund the above special Medicaid payments and removal of inpatient ceilings for hospitals with a percentage of Medicaid and charity care days to total inpatient days equal to or greater than fifteen percent, the agency will submit a revised hospital reimbursement proposal to the Governor, the Speaker of the House and the President of the Senate for review and approval.

Funds in Specific Appropriation 254 reflect a reduction of \$650,000 from the General Revenue Fund and \$842,537 from the Medical Care Trust Fund as a result of coordinated care for autoimmune disorders.

Funds in Specific Appropriation 254 reflect a reduction of \$644,540 from the General Revenue Fund and \$835,460 from the Medical Care Trust Fund resulting from implementation of a Pediatric Medicaid Emergency Room Diversion Project in Broward County. The intent of the project is to divert patients with non-emergency routine health services from a hospital emergency room to a more appropriate Urgent Care Center setting as a result of contracting with a children's clinic network to implement certain controls on hospital emergency room use. The agency shall apply for and obtain all necessary waivers from HCFA to allow this project. The agency shall evaluate both the quality of care and costs savings associated with this project and provide a report to the Governor, Speaker of the House of Representatives, and President of the Senate no later than December 1, 2001.

From the funds in Specific Appropriation 254, \$1,652,450 from the General Revenue Fund and \$2,141,924 from the Medical Care Trust Fund are provided to adjust per diem rates for Lake Wales Hospital, Winter Haven Hospital, Health Central Hospital and Larkin Community Hospital in accordance with s. 409.905(5)(c), Florida Statutes.

Funds in Specific Appropriation 254 reflect a reduction of \$2,936,168 from the General Revenue Fund and \$3,805,894 from the Medical Care Trust Fund as a result of increasing enrollment in health maintenance organizations (HMO) and exclusive provider organizations (EPO) to 50% HMO/EPO and 50% Medipass by January 1, 2002.

Funds in Specific Appropriation 254, reflect a reduction of \$9,006,063 from the General Revenue Fund, \$11,023 from the Tobacco Settlement Trust Fund, \$11,698,875 from the Medical Care Trust Fund and \$30,586 from the Refugee Assistance Trust Fund as a result of implementation of a prior authorization and concurrent review program for hospital non-emergency admissions, effective January 1, 2002.

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The Agency for Health Care Administration shall develop a plan to implement a Diagnosis Related Group (DRG) reimbursement methodology for Medicaid providers. The plan shall be submitted to the House Fiscal Responsibility Council and Senate Appropriations Committee no later than October 1, 2001.

From the funds in Specific Appropriations 254, 261, 266, and 267, \$789,121 from the General Revenue Fund and \$1,143,326 from the Medical Care Trust Fund may be used to provide Medicaid coverage to persons with disabilities from age 16 to 64 who, except for earned income, would be eligible to receive Supplemental Security Income benefits regardless of whether they had ever received such benefits.

From the funds in Specific Appropriation 254, \$23,046,785 from the Medical Care Trust Fund is provided for the agency to implement coverage for services for children in institutions for mental disease (IMDs). The coverage shall 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 Family Services in Specific Appropriations 350A and 403.

255	SPECIAL CATEGORIES		
	FREESTANDING DIALYSIS CENTERS		
	FROM GENERAL REVENUE FUND	3,779,548	
	FROM MEDICAL CARE TRUST FUND		4,899,092

Funds in Specific Appropriation 255 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.

256	SPECIAL CATEGORIES		
	HOSPITAL INSURANCE BENEFITS		
	FROM GENERAL REVENUE FUND	41,221,867	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,220
	FROM MEDICAL CARE TRUST FUND		53,435,026

257	SPECIAL CATEGORIES		
	HOSPITAL OUTPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	154,388,025	
	FROM TOBACCO SETTLEMENT TRUST FUND		860,676
	FROM GRANTS AND DONATIONS TRUST FUND		62,684,399
	FROM MEDICAL CARE TRUST FUND		246,066,175
	FROM REFUGEE ASSISTANCE TRUST FUND		1,306,860

From the funds in Specific Appropriation 257, \$21,183,306 from the Grants and Donations Trust Fund and \$27,435,713 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.

From the funds in Specific Appropriation 257, \$1,764,211 from the Grants and Donations Trust Fund and \$1,257,162 from the Medical Care Trust Fund is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds fifteen percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.

From the funds in Specific Appropriation 257, \$200,740 from the Grants and Donations Trust Fund and \$259,991 from the Medical Care Trust Fund is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6%, and are a trauma center. The Agency shall use the 1997 audited DSH data available as of March 1, 2001

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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The funds in Specific Appropriation 257 reflect a reduction of \$25,786,590 from the General Revenue Fund and \$33,424,867 from the Medical Care Trust Fund as a result of limiting payments for Medicare Part B crossover claims paid to hospital outpatient providers to 20 percent of allowable Medicare rates.

Funds in Specific Appropriation 257 reflect a reduction of \$6,054,893 from the General Revenue Fund, \$19,017 from the Tobacco Settlement Trust Fund, \$7,891,754 from the Medical Care Trust Fund and \$61,574 from the Refugee Assistance Trust Fund as a result of reducing hospital outpatient rates by 6% effective July 1, 2001 and restoring effective April 1, 2002.

258	SPECIAL CATEGORIES		
	RESPIRATORY THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	1,043,263	
	FROM MEDICAL CARE TRUST FUND		1,352,290

259	SPECIAL CATEGORIES		
	NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	2,023,355	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,388
	FROM MEDICAL CARE TRUST FUND		2,632,692
	FROM REFUGEE ASSISTANCE TRUST FUND		2,050

260	SPECIAL CATEGORIES		
	BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	401,414	
	FROM MEDICAL CARE TRUST FUND		520,315

261	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	11,304,323	
	FROM TOBACCO SETTLEMENT TRUST FUND		671,397
	FROM MEDICAL CARE TRUST FUND		15,556,542
	FROM REFUGEE ASSISTANCE TRUST FUND		279,117

The funds in Specific Appropriation 261 reflect a reduction of \$282,270 from the General Revenue Fund, \$830 from the Tobacco Settlement Trust Fund, \$6,790 from the Refugee Assistance Trust Fund, and \$367,772 from the Medical Care Trust Fund as a result of implementing a policy to pay for laboratory services on a competitively bid basis, effective January 1, 2002.

262	SPECIAL CATEGORIES		
	PATIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	39,968,405	
	FROM TOBACCO SETTLEMENT TRUST FUND		73,360
	FROM MEDICAL CARE TRUST FUND		51,974,659
	FROM REFUGEE ASSISTANCE TRUST FUND		128,506

Funds in Specific Appropriation 262 reflect a reduction of \$277,900 from the General Revenue Fund, \$510 from the Tobacco Settlement Trust Fund, \$361,380 from the Medical Care Trust Fund and \$894 from the Refugee Assistance Trust Fund as a result of implementing a policy to pay for non-emergency transportation services in certain counties on a competitively bid basis and by contracting with certain companies for same-day trip scheduling independent of the CTC system, effective January 1, 2002.

263	SPECIAL CATEGORIES		
	PHYSICIAN ASSISTANT SERVICES		
	FROM GENERAL REVENUE FUND	350,414	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,065
	FROM MEDICAL CARE TRUST FUND		456,636
	FROM REFUGEE ASSISTANCE TRUST FUND		1,449

264	SPECIAL CATEGORIES		
	PERSONAL CARE SERVICES		
	FROM GENERAL REVENUE FUND	7,635,274	
	FROM MEDICAL CARE TRUST FUND		9,896,928

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265	SPECIAL CATEGORIES		
	PHYSICAL REHABILITATION THERAPY		
	FROM GENERAL REVENUE FUND	3,692,123	
	FROM TOBACCO SETTLEMENT TRUST FUND		3,741
	FROM MEDICAL CARE TRUST FUND		4,794,298
	FROM REFUGEE ASSISTANCE TRUST FUND		585
266	SPECIAL CATEGORIES		
	PHYSICIAN SERVICES		
	FROM GENERAL REVENUE FUND	193,833,028	
	FROM TOBACCO SETTLEMENT TRUST FUND		43,916,259
	FROM MEDICAL CARE TRUST FUND		308,835,177
	FROM REFUGEE ASSISTANCE TRUST FUND		2,779,304

From the funds in Specific Appropriation 266, \$13,913,471 from non-recurring General Revenue and \$18,034,797 from the Medical Care Trust Fund are provided for the proposed settlement of Savona et. al. v. the Agency for Health Care Administration.

From the funds in Specific Appropriation 266, \$970,000 from the General Revenue Fund and \$1,257,325 from the Medical Care Trust Fund are provided to increase physician rates by 4 percent effective April 1, 2002 for services to children ages 0-21 years.

267	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	546,930,048	
	FROM TOBACCO SETTLEMENT TRUST FUND		538,669
	FROM GRANTS AND DONATIONS TRUST FUND		419,932,556
	FROM MEDICAL CARE TRUST FUND		694,076,763
	FROM REFUGEE ASSISTANCE TRUST FUND		3,613,672

The funds in Specific Appropriation 267 reflect a reduction of \$108,286,094 from the General Revenue Fund and \$156,550,467 from the Medical Care Trust Fund and an increase of \$50,999,708 in the Grants and Donations Trust Fund resulting from the implementation of a drug formulary, the enhancement of state supplemental rebates for pharmaceuticals, and other cost containment pharmacy initiatives.

The funds in Specific Appropriation 267 reflect a reduction of \$6,335,000 from the General Revenue Fund and \$8,211,498 from the Medical Care Trust Fund for certain brand name drug patent expirations.

268	SPECIAL CATEGORIES		
	PRIVATE DUTY NURSING SERVICES		
	FROM GENERAL REVENUE FUND	57,472,068	
	FROM TOBACCO SETTLEMENT TRUST FUND		615
	FROM MEDICAL CARE TRUST FUND		74,497,344

The funds in Specific Appropriation 268 reflect a reduction of \$1,473,262 from the General Revenue Fund, \$16 from the Tobacco Settlement Trust Fund, and \$1,909,694 from the Medical Care Trust Fund as a result of implementing a policy to pay for private duty nursing services on a competitively bid basis, effective January 1, 2002.

269	SPECIAL CATEGORIES		
	RURAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	19,913,653	
	FROM TOBACCO SETTLEMENT TRUST FUND		56,231
	FROM MEDICAL CARE TRUST FUND		25,940,434
	FROM REFUGEE ASSISTANCE TRUST FUND		36,428

270	SPECIAL CATEGORIES		
	SPEECH THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	6,679,637	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,964
	FROM MEDICAL CARE TRUST FUND		8,662,696
	FROM REFUGEE ASSISTANCE TRUST FUND		3,074

270A	SPECIAL CATEGORIES		
	MEDI-PASS SERVICES		
	FROM GENERAL REVENUE FUND	10,387,488	
	FROM TOBACCO SETTLEMENT TRUST FUND		55,232

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	FROM MEDICAL CARE TRUST FUND	13,590,235
	FROM REFUGEE ASSISTANCE TRUST FUND	110,856
271	SPECIAL CATEGORIES	
	CHILDREN'S HOSPITAL DISPROPORTIONATE SHARE PROGRAM	
	FROM GRANTS AND DONATIONS TRUST FUND	1,516,000
	FROM MEDICAL CARE TRUST FUND	1,963,458

Funds in Specific Appropriation 271 shall be used for Disproportionate Share Payments to specialty hospitals for children, and shall be distributed in accordance with s. 409.9119, Florida Statutes. Funds appropriated are contingent upon receipt of county contributions.

272	SPECIAL CATEGORIES		
	PRIMARY CARE DISPROPORTIONATE SHARE PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND		4,435,000
	FROM MEDICAL CARE TRUST FUND		5,744,022

Funds in Specific Appropriation 272 shall be used for hospitals qualifying for Primary Care Disproportionate Share payments. Funds appropriated are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall 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.

273	SPECIAL CATEGORIES		
	GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE		
	FROM GENERAL REVENUE FUND	87,000	
	FROM TOBACCO SETTLEMENT TRUST FUND		100,000
	FROM GRANTS AND DONATIONS TRUST FUND		3,000,000
	FROM MEDICAL CARE TRUST FUND		3,885,472

Funds in Specific Appropriation 273 shall be used for Disproportionate Share payments to hospitals participating in the Regional Perinatal Intensive Care Center Program (RPICC), and shall be distributed in accordance with s. 409.9112, Florida Statutes. Funds appropriated are contingent upon the receipt of county contributions.

From the funds in Specific Appropriation 273, \$87,000 from the General Revenue Fund and \$100,000 from recurring Tobacco Settlement Trust Funds shall be provided to Lee Memorial Hospital for their RPICC Program. This payment is not a payment under the RPICC Disproportionate Share Program.

274	SPECIAL CATEGORIES		
	SUPPLEMENTAL MEDICAL INSURANCE		
	FROM GENERAL REVENUE FUND	188,771,638	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,813
	FROM MEDICAL CARE TRUST FUND		219,873,519

275	SPECIAL CATEGORIES		
	OCCUPATIONAL THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	4,035,679	
	FROM TOBACCO SETTLEMENT TRUST FUND		777
	FROM MEDICAL CARE TRUST FUND		5,232,866
	FROM REFUGEE ASSISTANCE TRUST FUND		482

276	SPECIAL CATEGORIES		
	CLINIC SERVICES		
	FROM GENERAL REVENUE FUND	22,184,041	
	FROM TOBACCO SETTLEMENT TRUST FUND		84,154
	FROM MEDICAL CARE TRUST FUND		28,946,964
	FROM REFUGEE ASSISTANCE TRUST FUND		227,836

Funds in Specific Appropriation 276 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.

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277	SPECIAL CATEGORIES		
	MEDICAID SCHOOL REFINANCING		
	FROM MEDICAL CARE TRUST FUND	50,000,000	
TOTAL: MEDICAID SERVICES TO INDIVIDUALS			
	FROM GENERAL REVENUE FUND	1702,266,099	
	FROM TRUST FUNDS	4635,833,242	
	TOTAL ALL FUNDS	6338,099,341	

MEDICAID LONG TERM CARE

278	LUMP SUM		
	NURSING HOME QUALITY IMPROVEMENT		
	FROM GENERAL REVENUE FUND	26,508,247	
	FROM MEDICAL CARE TRUST FUND	33,915,970	

Funds in Specific Appropriation 278 are provided to implement nursing home quality initiatives pursuant to SB 1202 or similar legislation which becomes law.

279	SPECIAL CATEGORIES		
	ASSISTIVE CARE SERVICES		
	FROM MEDICAL CARE TRUST FUND	32,871,249	

Funds in Specific Appropriation 279 are provided to implement Medicaid coverage for assistive care services and are contingent on the availability of state match being provided in accordance with Specific Appropriations 450 and 451. The agency is authorized to seek federal approval of a waiver or state plan amendment to allow coverage of assistive care services for Medicaid beneficiaries residing in licensed assisted living facilities, adult family care homes, or residential treatment facilities with 16 beds or less, 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 or other basis as approved by the Health Care Financing Administration for 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.

280	SPECIAL CATEGORIES		
	HOME AND COMMUNITY BASED SERVICES		
	FROM GENERAL REVENUE FUND	19,313,415	
	FROM TOBACCO SETTLEMENT TRUST FUND	328	
	FROM MEDICAL CARE TRUST FUND	429,108,149	

From the funds in Specific Appropriation 280, the agency shall ensure that enrollment slots for the Channeling Program are increased in FY 2001-02 consistent with the funding included in this appropriation for the program.

281	SPECIAL CATEGORIES		
	ASSISTED LIVING FACILITY WAIVER		
	FROM MEDICAL CARE TRUST FUND	25,996,098	

From the funds in Specific Appropriation 281, \$3,439,295 from the Medical Care Trust Fund is provided to transition clients served in the nursing homes under the Intermediate II level of care to assisted living facilities.

282	SPECIAL CATEGORIES		
	INTERMEDIATE CARE FACILITIES/MENTALLY		
	RETARDED - SUNLAND CENTER		
	FROM MEDICAL CARE TRUST FUND	136,589,748	

283	SPECIAL CATEGORIES		
	NURSING HOME CARE		

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FROM GENERAL REVENUE FUND	757,044,687	
FROM TOBACCO SETTLEMENT TRUST FUND		4,000,000
FROM MEDICAL CARE TRUST FUND		994,511,412

The funds in Specific Appropriation 283 reflect a reduction of \$5,849,943 from the General Revenue Fund and \$7,582,776 from the Medical Care Trust Fund as a result of transitioning residents at an Intermediate II level of care to assisted living facilities which provide a more appropriate care setting for these individuals.

The funds in Specific Appropriation 283 reflect a reduction of \$6,763,073 from the General Revenue Fund, \$8,766,371 from the Medical Care Trust Fund as a result of eliminating increases in the operating and patient care components of nursing home per diem rates for nursing homes that undergo a change in ownership or licensed operator, effective July 1, 2001.

The funds in Specific Appropriation 283 reflect a reduction of \$1,763,917 from the General Revenue Fund, \$2,286,409 from the Medical Care Trust Fund as a result of limiting payments for Medicare Part B crossover claims paid to nursing home providers to 20 percent of the allowable rate.

284	SPECIAL CATEGORIES		
	STATE MENTAL HEALTH HOSPITAL PROGRAM		
	FROM MEDICAL CARE TRUST FUND		11,736,181

285	SPECIAL CATEGORIES		
	MENTAL HEALTH HOSPITAL DISPROPORTIONATE		
	SHARE		
	FROM MEDICAL CARE TRUST FUND		82,826,533

Funds from Specific Appropriation 285 reflect a reduction of \$735,793 from the Medical Care Trust Fund to be in compliance with the federal funding cap on the Mental Health Hospital Disproportionate Share Program.

286	SPECIAL CATEGORIES		
	T.B. HOSPITAL DISPROPORTIONATE SHARE		
	FROM MEDICAL CARE TRUST FUND		2,444,444

287	SPECIAL CATEGORIES		
	COMMUNITY SUPPORTED LIVING WAIVER		
	FROM MEDICAL CARE TRUST FUND		414,949

288	SPECIAL CATEGORIES		
	CAPITATED NURSING HOME DIVERSION WAIVER		
	FROM GENERAL REVENUE FUND	9,976,393	
	FROM MEDICAL CARE TRUST FUND		12,931,514

TOTAL: MEDICAID LONG TERM CARE			
	FROM GENERAL REVENUE FUND	812,842,742	
	FROM TRUST FUNDS		1767,346,575
	TOTAL ALL FUNDS		2580,189,317

MEDICAID PREPAID HEALTH PLANS

Funds in Specific Appropriations 289 and 290 reflect a reduction of \$13,963,013 from the General Revenue Fund, \$119,645 from the Tobacco Settlement Trust Fund, \$18,371,646 from the Medical Care Trust Fund and \$61,482 from the Refugee Assistance Trust Fund for implementing a change in the method of calculating the capitated payments made to prepaid health plans so that the capitated payments reflect the net cost of pharmaceuticals for the equivalent MediPass/fee-for-service populations which are used to calculate the pharmaceutical component of the capitated rate.

Funds in Specific Appropriations 289 and 290 reflect a reduction of \$118,863 from the General Revenue Fund, \$877 from the Tobacco Settlement Trust Fund, \$156,068 from the Medical Care Trust Fund, and \$449 from the Refugee Assistance Trust Fund as a result of implementing a policy to pay for laboratory services and nursing services on a competitively bid basis, effective January 1, 2002.

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Funds in Specific Appropriations 289 and 290 reflect a reduction of \$7,743,736 from the General Revenue Fund, \$70,624 from the Tobacco Settlement Trust Fund, \$10,198,448 from the Medical Care Trust Fund, and \$36,396 from the Refugee Assistance Trust Fund as a result of a 6% hospital inpatient and outpatient rate reduction effective July 1, 2001 and restored effective April 1, 2002.

Funds in Specific Appropriation 289 and 290 reflect a net reduction of \$1,644,165 from the General Revenue Fund, \$14,089 from the Tobacco Settlement Trust Fund, \$2,163,289 from the Medical Care Trust Fund, and \$7,239 from the Refugee Assistance Trust Fund. This reduction is a result of the elimination of the HMO administrative rate component of the capitation rate for the period July 1, 2001 through September 30, 2001. Effective October 1, 2001, the agency shall redirect the remaining funds previously appropriated for the administrative rate component to equalize the percentage of the fee-for-service rate used to set capitation rates throughout the state.

289	SPECIAL CATEGORIES		
	PREPAID HEALTH PLANS--ELDERLY AND DISABLED		
	FROM GENERAL REVENUE FUND	193,090,663	
	FROM MEDICAL CARE TRUST FUND		250,286,291
290	SPECIAL CATEGORIES		
	PREPAID HEALTH PLANS--FAMILIES		
	FROM GENERAL REVENUE FUND	216,908,235	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,422,153
	FROM MEDICAL CARE TRUST FUND		290,301,178
	FROM REFUGEE ASSISTANCE TRUST FUND		1,784,640
TOTAL:	MEDICAID PREPAID HEALTH PLANS		
	FROM GENERAL REVENUE FUND	409,998,898	
	FROM TRUST FUNDS		546,794,262
	TOTAL ALL FUNDS		956,793,160

PROGRAM: HEALTH CARE REGULATION

From the funds in Specific Appropriations 291 through 300, the Health Care Regulation Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of Priority I practitioner investigations resulting in emergency action.....	25.0%
2. Percent of nursing home facilities with deficiencies that pose a serious threat to the health, safety, or welfare of the public.....	0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

HEALTH FACILITY AND PRACTITIONER REGULATION

291	SALARIES AND BENEFITS	POSITIONS	806
	FROM GENERAL REVENUE FUND		1,342,124
	FROM HEALTH CARE TRUST FUND		33,787,124
	FROM ADMINISTRATIVE TRUST FUND		1,223,819
	FROM TOBACCO SETTLEMENT TRUST FUND		24,226
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND		68,400
292	OTHER PERSONAL SERVICES		
	FROM HEALTH CARE TRUST FUND		1,797,478

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293	EXPENSES		
	FROM GENERAL REVENUE FUND	4,571,808	
	FROM HEALTH CARE TRUST FUND		9,494,215
	FROM ADMINISTRATIVE TRUST FUND		4,102,067
	FROM TOBACCO SETTLEMENT TRUST FUND		6,188
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND		301,006

Funds in Specific Appropriation 293 reflect a reduction of \$3,450,000 from the General Revenue Fund and \$3,450,000 from the Administrative Trust Fund resulting from a change in the manner in which recipients receive choice counseling.

From the funds in Specific Appropriation 293, \$476,987 is provided to upgrade the Florida Regulatory Administration Enforcement System (FRAES).

From the funds in Specific Appropriation 293, \$100,000 from the General Revenue Fund and \$100,000 from the Administrative Trust Fund are provided for the Florida Center for Nursing. The Center may contract with the Florida Hospital Association or any other Florida health care association which is currently collecting, analyzing and publishing nursing shortage data. The contract may provide for data collection and analysis and other services as determined by the Center.

294	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	32,682	
	FROM HEALTH CARE TRUST FUND		120,793
	FROM ADMINISTRATIVE TRUST FUND		8,231
295	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM HEALTH CARE TRUST FUND		1,262,163
296	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	800,000	

From the funds in Specific Appropriation 296, \$700,000 in recurring General Revenue is provided for a Teaching Nursing Home Project at the Miami Jewish Home and Hospital for the Aged at Douglas Gardens and \$100,000 is provided for an affiliated project at River Garden Hebrew Home/Wolfson Health and Aging Center - Duval County.

The teaching nursing home, in conjunction with the Florida Alzheimer's Association, will convene a working group of academicians, long term care practitioners, community leaders, and other stakeholders to develop training priorities, develop curriculum, and conduct pilot projects to provide cost-effective training for staff in long term care facilities who provide direct care to persons with Alzheimer's disease and related disorders. The working group will review current practices and devise a method for endorsing what they determine to be best practices.

The working group will develop methods for encouraging the adoption of those best practices by licensed facilities. This set of best practices for various stages and problems in dementia will ultimately provide a statewide standard of care.

The development and the delivery of this education in dementia may be conducted through Geri-U, the online geriatrics interactive training resources developed by the teaching nursing home program.

297	SPECIAL CATEGORIES		
	EMERGENCY ALTERNATIVE PLACEMENT		
	FROM RESIDENT PROTECTION TRUST FUND		776,720
298	SPECIAL CATEGORIES		
	MEDICAID SURVEILLANCE		
	FROM HEALTH CARE TRUST FUND		252,499
299	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		

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	FROM GENERAL REVENUE FUND	8,519	
	FROM HEALTH CARE TRUST FUND		291,259
	FROM ADMINISTRATIVE TRUST FUND		8,520
300	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	6,939,883	
	FROM TRUST FUNDS		53,709,458
	TOTAL POSITIONS	806	
	TOTAL ALL FUNDS		60,649,341

CHILDREN AND FAMILIES, DEPARTMENT OF

From the funds in Specific Appropriations 302 through 466, 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 302 through 466, 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.

ADMINISTRATION

PROGRAM: EXECUTIVE LEADERSHIP

EXECUTIVE DIRECTION AND SUPPORT SERVICES

302	SALARIES AND BENEFITS	POSITIONS	197	
	FROM GENERAL REVENUE FUND		7,627,500	
	FROM ADMINISTRATIVE TRUST FUND			2,420,337
	FROM TOBACCO SETTLEMENT TRUST FUND			134,228
	FROM FEDERAL GRANTS TRUST FUND			26,815
303	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		34,401	
304	EXPENSES			
	FROM GENERAL REVENUE FUND		1,360,875	
	FROM ADMINISTRATIVE TRUST FUND			482,928
	FROM TOBACCO SETTLEMENT TRUST FUND			40,746
	FROM FEDERAL GRANTS TRUST FUND			194,968
305	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		25,049	
	FROM ADMINISTRATIVE TRUST FUND			1,133

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306	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		276,700
307	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		181,088
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND		9,228,913
	FROM TRUST FUNDS		3,577,855
	TOTAL POSITIONS	197	
	TOTAL ALL FUNDS		12,806,768

PROGRAM: SUPPORT SERVICES

INFORMATION TECHNOLOGY

307A	SALARIES AND BENEFITS	POSITIONS	427	
	FROM WORKING CAPITAL TRUST FUND			21,279,543
307B	OTHER PERSONAL SERVICES			
	FROM WORKING CAPITAL TRUST FUND			794,272
307C	EXPENSES			
	FROM WORKING CAPITAL TRUST FUND			6,753,568
307D	OPERATING CAPITAL OUTLAY			
	FROM WORKING CAPITAL TRUST FUND			74,011
307E	SPECIAL CATEGORIES			
	COMPUTER RELATED EXPENSES			
	FROM WORKING CAPITAL TRUST FUND			102,084,178

The Department of Children and Family Services shall provide quarterly financial reports on information technology funding to the Executive Office of the Governor, the Senate Appropriations 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. Should the State Technology Office assume oversight of the department's technology projects, the responsibility for this report will transfer to them.

308	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM WORKING CAPITAL TRUST FUND			59,845

TOTAL: INFORMATION TECHNOLOGY

	FROM TRUST FUNDS			131,045,417
	TOTAL POSITIONS	427		
	TOTAL ALL FUNDS			131,045,417

ASSISTANT SECRETARY FOR ADMINISTRATION

310	SALARIES AND BENEFITS	POSITIONS	296	
	FROM GENERAL REVENUE FUND		12,591,849	
	FROM ADMINISTRATIVE TRUST FUND			2,239,498
311	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		326,140	
	FROM ADMINISTRATIVE TRUST FUND			792,950
312	EXPENSES			
	FROM GENERAL REVENUE FUND		8,370,299	
	FROM ADMINISTRATIVE TRUST FUND			7,226,414

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Funds appropriated in Specific Appropriation 312 include an administrative reduction of \$1,077,950 from the General Revenue Fund. All or a portion of this reduction may be allocated to other operating categories within the Executive Leadership and Support Services programs. The department has the authority to propose any such amendments pursuant to the applicable provisions of Chapter 216 of the Florida Statutes.

313	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	82,607	
	FROM ADMINISTRATIVE TRUST FUND		8,665
314	LUMP SUM		
	FLORIDA ON-LINE RECIPIENT INTEGRATED DATA ACCESS (FLORIDA) SYSTEM		
	FROM ADMINISTRATIVE TRUST FUND		2,854,761
315	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	25,000	
316	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	283,434	
	FROM ADMINISTRATIVE TRUST FUND		160,109
317	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		187,500
	FROM FEDERAL GRANTS TRUST FUND		500,000

Specific Appropriation 317 includes \$500,000 in the Federal Grants Trust Fund for the evaluation of specific Temporary Assistance to Needy Families (TANF) funded programs to determine if those programs are performing according to legislative intent and fulfilling the goals of the TANF program, and to assess if their funding should be continued in Fiscal Year 2002-2003. The Department of Children and Family Services is directed to contract with one or more qualified private consultants selected through an RFP process for conducting this evaluation. The following programs and activities shall be evaluated pursuant to this proviso:

- Department of Children and Families:
 - Substance Abuse Treatment and Aftercare for Adults
 - Eligibility Determination and Case Management in Economic Self-Sufficiency
 - Error Rate Reduction and Benefit Recovery in Economic Self-Sufficiency
 - Client Employment Supports - Economic Self-Sufficiency
 - Unallocated Budget - Child Protection
 - Unallocated Budget - Child Care
 - Prepaid Tuition Scholarships

- Department of Health:
 - Teenage Pregnancy
 - Epilepsy Services
 - Public Assistance Eligibility
 - KidCare Outreach

- Agency for Workforce Innovation:
 - Workforce Local Boards contracts

318	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	94,322	
319	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND	42,630	
319A	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		

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FROM GENERAL REVENUE FUND	41,747,024	
FROM ADMINISTRATIVE TRUST FUND		44,482,526
FROM TOBACCO SETTLEMENT TRUST FUND		5,760,213
FROM FEDERAL GRANTS TRUST FUND		18,208,961
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		474,146

From the funds in Specific Appropriation 319A, \$2,000,000 from the General Revenue Fund, \$9,000,000 from the Administrative Trust Fund and \$7,172,000 from the Federal Grants Trust Fund are provided for the HomeSafenet Project (formerly known as the State Automated Child Welfare Information System); and \$1,000,000 from General Revenue and \$8,029,888 from the Administrative Trust Fund are provided for the Florida On-Line Recipient (FLORIDA) System.

From the funds in Specific Appropriation 319A \$100,000 from the General Revenue Fund and \$100,000 from the Administrative Trust Fund are provided to continue monitoring of the HomeSafenet Project as a critical information resources management project under section 282.322, F.S.

320	FIXED CAPITAL OUTLAY		
	DEPARTMENT OF CHILDREN AND FAMILY SERVICES		
	SPACE NEEDS - STATEWIDE		
	FROM ADMINISTRATIVE TRUST FUND		4,000,000

Funds in Specific Appropriation 320 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.

321	FIXED CAPITAL OUTLAY		
	FIXED CAPITAL OUTLAY NEEDS FOR INSTITUTIONS		
	FROM ADMINISTRATIVE TRUST FUND		3,500,000

Funds in Specific Appropriation 321 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: ASSISTANT SECRETARY FOR ADMINISTRATION			
FROM GENERAL REVENUE FUND	63,563,305		
FROM TRUST FUNDS			90,395,743
TOTAL POSITIONS	296		
TOTAL ALL FUNDS			153,959,048

DISTRICT ADMINISTRATION

322	SALARIES AND BENEFITS	POSITIONS	1,184
	FROM GENERAL REVENUE FUND		19,886,900
	FROM ADMINISTRATIVE TRUST FUND		32,590,420
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,120,247

323	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		391,351

324	EXPENSES		
	FROM GENERAL REVENUE FUND	5,961,968	
	FROM ADMINISTRATIVE TRUST FUND		1,920,515
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,125,459

325	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	71,238	
	FROM ADMINISTRATIVE TRUST FUND		166,990

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326	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	975,000	
327	SPECIAL CATEGORIES CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES FROM GENERAL REVENUE FUND	37,942	
327A	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	250,000	
Funds in Specific Appropriation 327A include \$250,000 from recurring General Revenue for the following initiatives:			
	Broward Shared Database.....	100,000	
	Healthier Communities Initiatives - Broward County.....	150,000	
328	SPECIAL CATEGORIES FINGERPRINTING FOR DAY CARE EMPLOYEES FROM GENERAL REVENUE FUND	135,513	
329	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	955,803	
TOTAL: DISTRICT ADMINISTRATION			
	FROM GENERAL REVENUE FUND	28,274,364	
	FROM TRUST FUNDS		37,314,982
	TOTAL POSITIONS	1,184	
	TOTAL ALL FUNDS		65,589,346

SERVICES

PROGRAM: FAMILY SAFETY PROGRAM

From the funds in Specific Appropriation 330 through 362A, the Family Safety Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. 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 of program completion.....	96.0%
2. Percent of children who have no findings of child maltreatment within 1 year of case closure from services....	95.0%
3. Percent of calls made to the Florida Abuse Hotline that were abandoned.....	5.0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

CHILD CARE REGULATION AND INFORMATION

330	SALARIES AND BENEFITS POSITIONS FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND	106	744,716
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,763,247
331	EXPENSES FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		388,270

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332	SPECIAL CATEGORIES GRANTS AND AIDS - CHILD PROTECTION FROM GENERAL REVENUE FUND	2,324,418	
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		18,199,611
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		253,696
Funds in Specific Appropriation 332 include recurring General Revenue funds for the following project:			
	Family Day Care Home Enhancements.....		12,000
TOTAL: CHILD CARE REGULATION AND INFORMATION			
	FROM GENERAL REVENUE FUND	2,324,418	
	FROM TRUST FUNDS		23,349,540
	TOTAL POSITIONS	106	
	TOTAL ALL FUNDS		25,673,958

ADULT PROTECTION

333	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	542	14,064,472
	FROM ADMINISTRATIVE TRUST FUND		3,441,522
	FROM TOBACCO SETTLEMENT TRUST FUND		59,460
	FROM DOMESTIC VIOLENCE TRUST FUND		187,142
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,807,786
334	OTHER PERSONAL SERVICES FROM DOMESTIC VIOLENCE TRUST FUND		132,488
335	EXPENSES FROM GENERAL REVENUE FUND	2,033,388	
	FROM ADMINISTRATIVE TRUST FUND		864,908
	FROM TOBACCO SETTLEMENT TRUST FUND		1,073
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		485,789
336	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	15,401	
337	SPECIAL CATEGORIES GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM FROM GENERAL REVENUE FUND	100,000	
	FROM DOMESTIC VIOLENCE TRUST FUND		5,630,466
	FROM FEDERAL GRANTS TRUST FUND		27,051,554

From the funds in Specific Appropriation 337, \$100,000 in recurring General Revenue is provided for the Adult Protection Team Pilot Program in Dade County and \$347,521 in recurring Federal Grants Trust Fund is provided for the Harbor House in Orange County.

338	SPECIAL CATEGORIES TEMPORARY EMERGENCY SHELTER SERVICES FROM GENERAL REVENUE FUND	203,527	
	FROM ADMINISTRATIVE TRUST FUND		48,500

339	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY EMERGENCY SHELTER AND TRANSITIONAL HOUSING FROM ADMINISTRATIVE TRUST FUND		2,000,000
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From the funds in Specific Appropriation 339, \$2,000,000 in non-recurring Administrative Trust Funds shall be used for the construction, renovation and maintenance of certified domestic violence centers in accordance of the provisions of section 39.9055, F.S.

Funds in Specific Appropriation 339 for purchase of or improvements to real property are contingent upon the contractor or political

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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	16,416,788	
FROM TRUST FUNDS		43,710,688
TOTAL POSITIONS	542	
TOTAL ALL FUNDS		60,127,476

CHILD ABUSE PREVENTION AND INTERVENTION

340 SALARIES AND BENEFITS POSITIONS	2	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		97,278
341 OTHER PERSONAL SERVICES FROM FEDERAL GRANTS TRUST FUND		83,999
342 EXPENSES FROM FEDERAL GRANTS TRUST FUND		25,915
343 SPECIAL CATEGORIES GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION FROM TOBACCO SETTLEMENT TRUST FUND		1,000,000
FROM FEDERAL GRANTS TRUST FUND		28,171,718

From the funds in Specific Appropriation 343, \$3,000,000 in non-recurring Federal Grants Trust Fund is provided for Sustaining and Expanding Healthy Families to Promote the Success of Community-Based Care in DeSoto, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota counties.

TOTAL: CHILD ABUSE PREVENTION AND INTERVENTION

FROM TRUST FUNDS		29,378,910
TOTAL POSITIONS	2	
TOTAL ALL FUNDS		29,378,910

CHILD PROTECTION AND PERMANENCY

344 SALARIES AND BENEFITS POSITIONS	5,045	
FROM GENERAL REVENUE FUND	75,996,794	
FROM ADMINISTRATIVE TRUST FUND		505,789
FROM TOBACCO SETTLEMENT TRUST FUND		15,359,205
FROM FEDERAL GRANTS TRUST FUND		93,215,783
FROM GRANTS AND DONATIONS TRUST FUND		33
FROM OPERATIONS AND MAINTENANCE TRUST FUND		33
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		20,636,196
345 OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	2,951,741	
FROM FEDERAL GRANTS TRUST FUND		3,004,696
346 EXPENSES FROM GENERAL REVENUE FUND	18,996,429	
FROM ADMINISTRATIVE TRUST FUND		1,080,095
FROM TOBACCO SETTLEMENT TRUST FUND		4,991,755
FROM FEDERAL GRANTS TRUST FUND		20,944,389
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,802,394
347 OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	65,892	
FROM FEDERAL GRANTS TRUST FUND		22,024

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348 SPECIAL CATEGORIES ADOPTION SERVICES AND SUBSIDY FROM GENERAL REVENUE FUND	16,289,262	
FROM TOBACCO SETTLEMENT TRUST FUND		7,743,540
FROM FEDERAL GRANTS TRUST FUND		29,610,106
FROM OPERATIONS AND MAINTENANCE TRUST FUND		157,524
348A SPECIAL CATEGORIES GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION FROM TOBACCO SETTLEMENT TRUST FUND		1,000,000
FROM FEDERAL GRANTS TRUST FUND		10,000,000

From the Federal Grants Trust Fund in Specific Appropriation 348A, \$10 million from the Temporary Assistance to Needy Families (TANF) block grant shall be used for community partnership matching grants for Children's Services Councils or other local government entities. Matching grants may be used for any prevention or in-home services provided by the Children's Services Councils or other local government entities that meet TANF eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system.

Funds in Specific Appropriation 348A from the Tobacco Settlement Trust Fund are provided for start-up transition funds for Child Welfare Community Based Care, including \$825,000 for Broward County.

349 SPECIAL CATEGORIES GRANTS AND AIDS - CHILD PROTECTION FROM GENERAL REVENUE FUND	3,121,935	
FROM ADMINISTRATIVE TRUST FUND		1,470,888
FROM TOBACCO SETTLEMENT TRUST FUND		69,707,698
FROM FEDERAL GRANTS TRUST FUND		80,298,025
FROM OPERATIONS AND MAINTENANCE TRUST FUND		776,986
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		19,409,219

Specific Appropriation 349 includes recurring General Revenue for the following initiatives:

Hibiscus Children's Center Crisis Nursery.....	190,000
Kids Bridge.....	100,000
Emerald Coast Children's Advocacy Center.....	515,465
Early Permanency Planning.....	210,000

Specific Appropriation 349 also includes recurring Tobacco Trust Fund for the following project:

Kristi House.....	450,000
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Specific Appropriation 349 includes funds to continue the Child Welfare Legal Services contracts with the Attorney General's office and specified state attorneys.

350A SPECIAL CATEGORIES GRANTS AND AIDS - FAMILY FOSTER CARE FROM GENERAL REVENUE FUND	16,725,184	
FROM TOBACCO SETTLEMENT TRUST FUND		21,120,195
FROM FEDERAL GRANTS TRUST FUND		37,980,877
FROM GRANTS AND DONATIONS TRUST FUND		51,680
FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,428,623
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		12,734,107

Contingent upon federal approval of a Medicaid waiver, the Department of Children and Family Services is authorized to transfer up to \$4 million from the General Revenue Fund in Specific Appropriation 350A to the Agency for Health Care Administration to implement Medicaid coverage for children in institutions for mental disease (IMD's).

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350B SPECIAL CATEGORIES

GRANTS AND AIDS - RESIDENTIAL GROUP CARE	
FROM GENERAL REVENUE FUND	8,101,454
FROM TOBACCO SETTLEMENT TRUST FUND	10,246,431
FROM FEDERAL GRANTS TRUST FUND	18,426,366
FROM GRANTS AND DONATIONS TRUST FUND	25,073
FROM OPERATIONS AND MAINTENANCE TRUST FUND	2,148,540
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	6,177,933

350C SPECIAL CATEGORIES

GRANTS AND AIDS - EMERGENCY SHELTER CARE	
FROM GENERAL REVENUE FUND	9,133,698
FROM TOBACCO SETTLEMENT TRUST FUND	10,455,542
FROM FEDERAL GRANTS TRUST FUND	18,802,414
FROM GRANTS AND DONATIONS TRUST FUND	25,584
FROM OPERATIONS AND MAINTENANCE TRUST FUND	2,192,388
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	6,304,014

350D SPECIAL CATEGORIES

GRANTS AND AIDS - RESIDENTIAL CARE PILOT PROJECT	
FROM GENERAL REVENUE FUND	9,600,000
FROM FEDERAL GRANTS TRUST FUND	5,800,000

Funds provided in Specific Appropriation 350D shall be used to fund comprehensive residential services to children with extraordinary needs, and model comprehensive residential services programs for children with serious behavioral problems. The total recurring appropriation of \$15.4 million shall be allocated as follows: \$1.4 million for a model program in Manatee County, \$4.0 million for a model program in Dade County, and \$10 million for comprehensive residential services to children in Districts IV, XI, XII, and the Suncoast Region of the Department of Children and Family Services.

350E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY CHILD WELFARE FACILITIES

FROM GENERAL REVENUE FUND	1,725,000
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Specific Appropriation 350E includes non-recurring General Revenue for the following fixed capital outlay projects:

Children's Advocacy Center - Orange County.....	200,000
Manatee Children's Group Home.....	1,000,000
Manatee County Nursery School.....	450,000
Haven for Children - Brevard.....	75,000

Funds in Specific Appropriation 350E 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: CHILD PROTECTION AND PERMANENCY

FROM GENERAL REVENUE FUND	162,707,389	
FROM TRUST FUNDS		541,656,145
TOTAL POSITIONS	5,045	
TOTAL ALL FUNDS		704,363,534

FLORIDA ABUSE HOTLINE

351 SALARIES AND BENEFITS POSITIONS	192	
FROM GENERAL REVENUE FUND	1,435,443	
FROM ADMINISTRATIVE TRUST FUND		4,117,389
FROM TOBACCO SETTLEMENT TRUST FUND		169,660
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,776,325

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352 OTHER PERSONAL SERVICES

FROM ADMINISTRATIVE TRUST FUND		315,845
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		210,563

353 EXPENSES

FROM GENERAL REVENUE FUND	442,501	
FROM ADMINISTRATIVE TRUST FUND		1,463,033
FROM TOBACCO SETTLEMENT TRUST FUND		54,168
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		543,431

354 OPERATING CAPITAL OUTLAY

FROM ADMINISTRATIVE TRUST FUND		21,272
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		14,632

355 SPECIAL CATEGORIES

RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	15,059	

TOTAL: FLORIDA ABUSE HOTLINE

FROM GENERAL REVENUE FUND	1,893,003	
FROM TRUST FUNDS		8,686,318
TOTAL POSITIONS	192	
TOTAL ALL FUNDS		10,579,321

PROGRAM MANAGEMENT AND COMPLIANCE

356 SALARIES AND BENEFITS POSITIONS	435	
FROM GENERAL REVENUE FUND	8,717,938	
FROM ADMINISTRATIVE TRUST FUND		578,479
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		595,391
FROM TOBACCO SETTLEMENT TRUST FUND		1,044,601
FROM FEDERAL GRANTS TRUST FUND		9,262,188
FROM GRANTS AND DONATIONS TRUST FUND		222
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,374,120

357 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	34,151	
FROM ADMINISTRATIVE TRUST FUND		13,000
FROM FEDERAL GRANTS TRUST FUND		370,864

358 EXPENSES

FROM GENERAL REVENUE FUND	1,654,150	
FROM ADMINISTRATIVE TRUST FUND		295,851
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		225,152
FROM FEDERAL GRANTS TRUST FUND		1,593,278
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		700,729

359 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	43,370	
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		30,000

From the funds in Specific Appropriations 356, 358 and 359, 2 positions and \$118,000 from recurring General Revenue and \$2,000 from non-recurring General Revenue shall be utilized to create a unit to coordinate the recruitment, retention, and training of foster parents.

360 LUMP SUM

FAMILY INFORMATION LINKAGE TO INTEGRATE ENABLING SERVICES (FAMILIES)		
FROM FEDERAL GRANTS TRUST FUND		2,526,713

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361	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD PROTECTION		
	FROM GENERAL REVENUE FUND	2,876,062	
	FROM CHILD WELFARE TRAINING TRUST FUND . .		10,099,792
	FROM FEDERAL GRANTS TRUST FUND		3,306,034
	FROM GRANTS AND DONATIONS TRUST FUND . . .		274,592
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		175,433
362	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,658,729	
	FROM ADMINISTRATIVE TRUST FUND		947
	FROM FEDERAL GRANTS TRUST FUND		140,099
362A	SPECIAL CATEGORIES		
	CHILD WELFARE INITIATIVES		
	FROM GENERAL REVENUE FUND	871,450	
	FROM TOBACCO SETTLEMENT TRUST FUND		750,000

Specific Appropriation 362A includes recurring General Revenue funds for the following initiatives:

Salvation Army Children's Village - Pinellas.....	246,450
Children's Advocacy Center - Orange County.....	100,000
Center for Children and Families.....	100,000
Child Abuse Project - Palm Beach County.....	300,000

Specific Appropriation 362A also includes recurring Tobacco funds for the following projects:

SOS Children's Village - Broward County.....	350,000
Salvation Army Children's Village - Pinellas County.....	400,000

Specific Appropriation 362A also includes non-recurring General Revenue for the following project:

Family Access Center.....	125,000
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TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	17,855,850	
FROM TRUST FUNDS		34,732,622
TOTAL POSITIONS	435	
TOTAL ALL FUNDS		52,588,472

PROGRAM: PERSONS WITH DISABILITIES PROGRAM

From the funds in Specific Appropriation 363 through 395, the Persons with Disabilities Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of people on the waiting list who receive services within 12 months - Public Facilities.....	100.0%
2. Percent of people on the waiting list who receive services within 12 months - Home and Community Services...	100.0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

DEVELOPMENTAL SERVICES PUBLIC FACILITIES

363	SALARIES AND BENEFITS	POSITIONS	3,663
	FROM GENERAL REVENUE FUND		60,233,316

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	FROM ADMINISTRATIVE TRUST FUND		31,881
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		59,876,361
364	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,984,737	
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		661,275
365	EXPENSES		
	FROM GENERAL REVENUE FUND	6,309,038	
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		5,594,381
366	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	815	
	FROM TOBACCO SETTLEMENT TRUST FUND		12,616
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		1,348,101

367	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,235,101	
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		393,725

368	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,901,199	
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		3,631,739

369	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	29,838	
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		2,038,133

370	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,184,553	

TOTAL: DEVELOPMENTAL SERVICES PUBLIC FACILITIES

FROM GENERAL REVENUE FUND	78,878,597	
FROM TRUST FUNDS		73,588,212
TOTAL POSITIONS	3,663	
TOTAL ALL FUNDS		152,466,809

HOME AND COMMUNITY SERVICES

371	SALARIES AND BENEFITS	POSITIONS	298
	FROM GENERAL REVENUE FUND		10,409,739
	FROM ADMINISTRATIVE TRUST FUND		1,961
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		55,940
	FROM SOCIAL SERVICES BLOCK GRANT TRUST		
	FUND		159,307

373	EXPENSES		
	FROM GENERAL REVENUE FUND	1,401,843	
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		3,555
	FROM SOCIAL SERVICES BLOCK GRANT TRUST		
	FUND		205,321

374	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

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375	SPECIAL CATEGORIES		
	GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS		
	FROM GENERAL REVENUE FUND	13,982,634	
	FROM TOBACCO SETTLEMENT TRUST FUND		650,000
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		11,658,332

Funds from Specific Appropriation 375 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 375, the following issue is funded from recurring Tobacco Settlement Trust Funds:

Inclusive Child Care Project - Broward, Clay, and Duval Counties.....	100,000
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376	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

Funds in Specific Appropriation 377 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 377, \$84,878,065 is provided to continue support for clients living in facilities that were 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 377 and 374 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 377 and 374 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 377 and 374, \$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

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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 Appropriations 377, support coordinators shall be paid at a rate of \$148.39 per month per client to a maximum of thirty-six (36) clients per case worker.

From the funds in Specific Appropriation 377, up to \$1,700,000 in General Revenue funds and \$1,700,000 from the Operations and Maintenance Trust Fund may be used for special studies of the expenditures for services to Home and Community-Based Services Waiver clients, including analysis of service utilization, reimbursement rates, and overall expenditure trends; and to design and implement criteria and review and approval mechanisms intended to ensure that persons enrolled in the waiver receive appropriate services in the most cost effective manner.

Funds in Specific Appropriations 374 and 377 are intended to provide Home and Community-Based Services Waiver Services in accordance with a spending plan developed by the Department of Children and Family Services and submitted to the Executive Office of the Governor for approval by November 1, 2001. Such plan shall include a financially feasible timeframe for providing services to persons who are on waiting lists for fiscal years 1999-2000 and 2000-2001 and those eligible persons who apply for services during fiscal year 2001-2002. Such persons shall be enrolled in the waiver in accordance with the department's policy for serving persons on the waiting list.

378	SPECIAL CATEGORIES		
	START-UP FUNDS/GROUP HOMES		
	FROM GENERAL REVENUE FUND		72,960
	FROM COMMUNITY RESOURCES DEVELOPMENT TRUST FUND		72,960
379	SPECIAL CATEGORIES		
	COMMUNITY SUPPORTED LIVING WAIVER		
	FROM GENERAL REVENUE FUND		179,653
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		663,244
379A	SPECIAL CATEGORIES		
	DEVELOPMENTAL SERVICES PROGRAMS		
	FROM GENERAL REVENUE FUND	1,160,000	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,500,000

The following projects from Specific Appropriation 379A are funded from recurring General Revenue Funds, unless specifically noted:

HARC Tampa Day Program Facility - Hillsborough County.....	500,000
Best Buddies High Schools, Colleges, And Citizens - Dade County.....	200,000
Interactive Video Technology - Statewide.....	350,000
Family Care Councils - Bay and Monroe Counties (Non-Recurring).....	10,000
Association for the Development of the Exceptional - Dade County.....	100,000

The following project is funded from nonrecurring Tobacco Settlement Trust Funds:

Daystar Adult Day Training Center Pilot Program.....	1,500,000
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From the recurring General Revenue funds in Specific Appropriation 379A, \$350,000 is provided for a contract with C-NOW for an interactive video project. Matching funds of \$350,000 in cash or in-kind match are required.

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379B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
DEVELOPMENTAL SERVICES FACILITIES
FROM GENERAL REVENUE FUND 500,000

The following project in Specific Appropriation 379B is funded from nonrecurring General Revenue Funds:

Group Homes for Individuals with Disabilities/Construction
Funds - Center for Independence - Pasco County..... 500,000

Funds in Specific Appropriation 379B 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 265,371,570
FROM TRUST FUNDS 412,453,272

TOTAL POSITIONS 302
TOTAL ALL FUNDS 677,824,842

IN-HOME SERVICES FOR DISABLED ADULTS

380 SALARIES AND BENEFITS POSITIONS 50
FROM GENERAL REVENUE FUND 1,201,719
FROM ADMINISTRATIVE TRUST FUND 317,747
FROM TOBACCO SETTLEMENT TRUST FUND 15,576
FROM SOCIAL SERVICES BLOCK GRANT TRUST
FUND 339,620

381 EXPENSES
FROM GENERAL REVENUE FUND 171,601
FROM ADMINISTRATIVE TRUST FUND 92,186
FROM SOCIAL SERVICES BLOCK GRANT TRUST
FUND 44,833

382 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 977

383 SPECIAL CATEGORIES
HOME CARE FOR DISABLED ADULTS
FROM GENERAL REVENUE FUND 2,219,860

384 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR
DISABLED ADULTS
FROM GENERAL REVENUE FUND 2,724,866

385 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 243,623
FROM ADMINISTRATIVE TRUST FUND 16,160
FROM TOBACCO SETTLEMENT TRUST FUND 750,000
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 13,354

Of the funds in Specific Appropriation 385, the department and the Agency for Health Care Administration may request a Medicaid waiver for persons with Cystic Fibrosis. A portion of the resources 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.

386 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

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387 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES-SPINA BIFIDA
FROM GENERAL REVENUE FUND 344,609

388 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,635

TOTAL: IN-HOME SERVICES FOR DISABLED ADULTS

FROM GENERAL REVENUE FUND 9,367,771
FROM TRUST FUNDS 6,330,307

TOTAL POSITIONS 50
TOTAL ALL FUNDS 15,698,078

PROGRAM MANAGEMENT AND COMPLIANCE

389 SALARIES AND BENEFITS POSITIONS 229
FROM GENERAL REVENUE FUND 7,164,461
FROM ADMINISTRATIVE TRUST FUND 184,559
FROM FEDERAL GRANTS TRUST FUND 24,032
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 2,999,034

390 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,078
FROM GRANTS AND DONATIONS TRUST FUND 120,651

391 EXPENSES
FROM GENERAL REVENUE FUND 1,175,318
FROM ADMINISTRATIVE TRUST FUND 1,152
FROM GRANTS AND DONATIONS TRUST FUND 159,206
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 522,595
FROM SOCIAL SERVICES BLOCK GRANT TRUST
FUND 612

392 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7
FROM ADMINISTRATIVE TRUST FUND 17

393 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 972,753
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 7,510

From the funds in Specific Appropriation 393, the following issue is funded from recurring General Revenue:

Best Buddies, Florida - Statewide..... 200,000

394 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 Appropriation 394, \$50,000 from recurring General Revenue is provided to continue the Independent Living for Retarded Adults non-profit organization in Marion County.

395 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 323,044

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND 9,979,180
FROM TRUST FUNDS 4,073,639

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TOTAL POSITIONS	229	
TOTAL ALL FUNDS		14,052,819

PROGRAM: MENTAL HEALTH PROGRAM

From the funds in Specific Appropriation 396 through 423, the Mental Health Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Average annual number of days spent in the community (not in institutions or other facilities) for adults with a serious and persistent mental illness.....	350
2. Annual days serious emotionally disturbed (SED) children (excluding those in juvenile justice facilities) spend in the community.....	341
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

VIOLENT SEXUAL PREDATOR PROGRAM

396	SALARIES AND BENEFITS	POSITIONS	8
	FROM GENERAL REVENUE FUND		837,367
397	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		81,814
398	EXPENSES		
	FROM GENERAL REVENUE FUND		323,574
398A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		20,000
399	LUMP SUM		
	INVOLUNTARY CIVIL COMMITMENT FOR SEXUALLY VIOLENT PREDATORS' TREATMENT AND CARE	POSITIONS	11
	FROM GENERAL REVENUE FUND		19,064,487
399A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		2,992,877

From funds in Specific Appropriation 399A, the department shall transfer \$10,000 to the Correctional Privatization Commission for the purpose of negotiating and implementing contracts with the selected vendor for the 600 bed Sexual Violent Predator facility in Desoto County.

TOTAL: VIOLENT SEXUAL PREDATOR PROGRAM

FROM GENERAL REVENUE FUND	23,320,119
TOTAL POSITIONS	19
TOTAL ALL FUNDS	23,320,119

ADULT COMMUNITY MENTAL HEALTH SERVICES

399B	LUMP SUM		
	COMMUNITY TREATMENT INITIATIVES		
	FROM GENERAL REVENUE FUND		7,774,869
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		975,000
	FROM FEDERAL GRANTS TRUST FUND		1,007,500

Funds in Specific Appropriation 399B shall be held in reserve until February 1, 2002 and shall not be released until the department prepares

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an analysis of the expenditures, encumbrances and planned expenditures for the conversion activities related to G. Pierce Wood Hospital. Any funds not required for this conversion shall be immediately available for mental health service needs in the remaining areas of the state. The department shall prepare a plan for the use of these funds and submit the plan and related budget amendment to the Legislative Budget Commission for approval. Residents shall not be transitioned from G.P. Wood Hospital unless there is an appropriate individualized placement alternative available for the resident with all necessary community supports.

400 SPECIAL CATEGORIES

GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES	
FROM GENERAL REVENUE FUND	112,096,788
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND	18,035,914
FROM TOBACCO SETTLEMENT TRUST FUND	8,692,633
FROM FEDERAL GRANTS TRUST FUND	15,240,637
FROM OPERATIONS AND MAINTENANCE TRUST FUND	3,131,228

From the funds in Specific Appropriation 400, the following issues are funded from recurring General Revenue unless specifically noted:

Court Cottages in the Pines - Broward County.....	100,000
Family Emergency Treatment Center - Manatee County.....	1,000,000
Wayne Densch Center - Orange County.....	200,000
Charlotte Community Mental Health - Charlotte County.....	100,000
Henderson Mental Health Center - Broward County.....	200,000
Senior Mobile Crisis Teams.....	200,000
Community Domicilliary Project (continuation) - Serenity House - Volusia County.....	339,000

From the funds in Specific Appropriation 400, the following issue is funded from recurring Tobacco Settlement Trust Funds:

Henderson Mental Health Center - Broward County.....	200,000
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If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 400 results in state match requirements exceeding \$13,000,000, the Department of Children and Family Services shall transfer General Revenue as necessary from Specific Appropriation 400. The Department of Children and Family Services 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 400, the Department of Children and Family Services Mental Health Program shall contract with Manatee Glens Corporation in Manatee County and with Coastal Recovery Centers, Inc. in Sarasota County to continue to fund 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.

From the funds in Specific Appropriation 400, \$7,644,579 in recurring Tobacco Settlement Trust Funds is to be allocated to the Department of Children and Family Services 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 federal Mental Health Block Grant or other funds, the Department of Children and Family Services may contract with NAMI Florida, Inc. for the following purposes:

- To consult with the Department of Children and Family Services and Agency for Health Care Administration in the implementation of the Olmstead decision in an accountable and outcome performance-based manner in Florida, and

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2. To facilitate or provide assistance to individuals with serious and persistent mental illnesses and their families, which may include: toll-free help line, support groups and educational programs for people with mental illness and their families, using culturally and racially sensitive approaches and other informal means of reducing the demand on taxpayer-funded services.

The Department of Children and Family Services shall ensure that all meetings impacting statewide funding, policy and planning discussions with contract providers include representation from mental health advocates and family members in accordance with the Mental Health Block Grant and Olmstead decision.

401	SPECIAL CATEGORIES		
	GRANTS AND AIDS - BAKER ACT SERVICES		
	FROM GENERAL REVENUE FUND	54,417,843	
	FROM GRANTS AND DONATIONS TRUST FUND		1,099,807

From the funds in Specific Appropriations 400 and 401, the Department of Children and Family Services is authorized to transfer funds between specific appropriations 408, 410, and 414 in order to achieve maximum utilization of these dollars and to provide services to G. Pierce Wood Memorial Hospital residents and specific transition staff.

402	SPECIAL CATEGORIES		
	GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM		
	FROM GENERAL REVENUE FUND	6,445,203	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,000,000

402A	SPECIAL CATEGORIES		
	MENTAL HEALTH PROGRAMS		
	FROM GENERAL REVENUE FUND	3,932,463	
	FROM TOBACCO SETTLEMENT TRUST FUND		200,000

From the funds in Specific Appropriation 402A, the following mental health projects are from recurring General Revenue unless specifically noted:

Short Term Treatment Residence (Alternative To State Hospitalization) - Hillsborough County.....	250,000
Douglas Garden Community Mental Health Center - HIV/AIDS Mental Health Services - Dade County.....	350,000
New Horizons of Treasure Coast - Indigent Drug Program Indian River, Martin, Palm Beach and St. Lucie Counties.....	200,000
Family Emergency Treatment Center - Sarasota County (Non-Recurring).....	500,000
Residential Level 2 Housing - Charlotte, Desoto, Manatee, Sarasota Counties (Non-Recurring).....	500,000
Ruth Cooper Center Crisis Stabilization Unit - Charlotte, Collier, Desoto, Glades, Lee and Sarasota Counties....	180,000
Dual Diagnosis Continuum serving Orange, Osceola, and Seminole Counties (Non-Recurring).....	654,213
Fellowship House Comprehensive Service Improvement in Dade County (Non-Recurring).....	448,250
Short-term Residential (SRT) Bed Expansion in Orange County (Non-Recurring).....	150,000
Camillus Life Center in Dade County (Non-Recurring).....	250,000
Family Emergency Treatment Center - Pinellas County.....	350,000
Miami Dade County Homeless Trust - Dade County.....	100,000

From the funds in Specific Appropriation 402A, the following mental health project is funded from recurring Tobacco Settlement Trust Funds:

Wayne Densch Center - Orange County.....	200,000
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TOTAL: ADULT COMMUNITY MENTAL HEALTH SERVICES			
FROM GENERAL REVENUE FUND	184,667,166		
FROM TRUST FUNDS		49,382,719	

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TOTAL ALL FUNDS	234,049,885
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CHILDREN'S MENTAL HEALTH SERVICES

403	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	25,803,392	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		9,382,756
	FROM TOBACCO SETTLEMENT TRUST FUND		612,772
	FROM FEDERAL GRANTS TRUST FUND		1,052,035
	FROM GRANTS AND DONATIONS TRUST FUND		4,587,999

From the funds in Specific Appropriation 403, \$250,000 is provided from recurring Alcohol, Drug Abuse and Mental Health Trust Fund for the Infant and Young Child's Mental Health Program - statewide.

From the funds in Specific Appropriation 403, the following issues are funded from recurring General Revenue unless specifically noted:

Children's Medical Director- New Horizons/Treasure Coast....	100,000
Children's Crisis Stabilization Unit - District 8.....	318,645
IMPACT Community Services (Non-Recurring).....	1,429,353
Children's Comprehensive Behavioral Services (Non-Recurring).....	1,350,000

404	SPECIAL CATEGORIES		
	THERAPEUTIC SERVICES FOR CHILDREN		
	FROM GENERAL REVENUE FUND	8,356,919	
	FROM FEDERAL GRANTS TRUST FUND		10,747,457

405	SPECIAL CATEGORIES		
	PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN		
	FROM GENERAL REVENUE FUND	9,047,814	

406	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH		
	FROM GENERAL REVENUE FUND	20,097,166	

Contingent upon federal approval of a Medicaid waiver, the Department of Children and Family Services is authorized to transfer up to \$6 million from the General Revenue Fund in Specific Appropriation 406 to the Agency for Health Care Administration to implement Medicaid coverage for children in institutions for mental disease.

407	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES		
	FROM GENERAL REVENUE FUND	9,388,781	
	FROM GRANTS AND DONATIONS TRUST FUND		725,193

From the funds in Specific Appropriation 407, the following issue is funded from recurring General Revenue:

Manatee Glens - Children's Baker Act Services.....	480,573
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TOTAL: CHILDREN'S MENTAL HEALTH SERVICES			
FROM GENERAL REVENUE FUND	72,694,072		
FROM TRUST FUNDS		27,108,212	
TOTAL ALL FUNDS		99,802,284	

ADULT MENTAL HEALTH TREATMENT FACILITIES

408	SALARIES AND BENEFITS POSITIONS	5,449	
	FROM GENERAL REVENUE FUND	105,311,812	
	FROM ADMINISTRATIVE TRUST FUND		2,292,200
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		88,818,020

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409	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,076,928	
410	EXPENSES		
	FROM GENERAL REVENUE FUND	17,317,332	
	FROM ADMINISTRATIVE TRUST FUND		342,513
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,359,115
411	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	541,155	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		980,093
412	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	3,467,825	
414	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND	27,125,107	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		14,162,514

From the funds in Specific Appropriation 414, the following issue is funded from recurring General Revenue:

West Florida Community Care Center - Escambia County..... 425,000

From the funds in Specific Appropriation 414, \$1,306,000 in non-recurring Operations and Maintenance Trust Fund is provided to address cost overruns that occurred during the construction of the new facility at South Florida State Hospital. In addition, \$540,000 in recurring General Revenue is provided to address the 3% pay adjustment for salary-related cost of living increases in the management contract for that same facility.

415	SPECIAL CATEGORIES		
	GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM		
	FROM GENERAL REVENUE FUND	2,146,394	
416	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	5,261,212	
	FROM ADMINISTRATIVE TRUST FUND		8,000,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		705,388
417	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,076,924	
418	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	90,969	
TOTAL: ADULT MENTAL HEALTH TREATMENT FACILITIES			
	FROM GENERAL REVENUE FUND	167,415,658	
	FROM TRUST FUNDS		116,659,843
	TOTAL POSITIONS	5,449	
	TOTAL ALL FUNDS		284,075,501

PROGRAM MANAGEMENT AND COMPLIANCE

419	SALARIES AND BENEFITS	POSITIONS	145
	FROM GENERAL REVENUE FUND		6,714,672
	FROM ADMINISTRATIVE TRUST FUND		37,209
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		348,926
	FROM TOBACCO SETTLEMENT TRUST FUND		148,355
	FROM FEDERAL GRANTS TRUST FUND		263,889

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420	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
421	EXPENSES		
	FROM GENERAL REVENUE FUND	1,124,607	
	FROM ADMINISTRATIVE TRUST FUND		152,747
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		122,592
	FROM TOBACCO SETTLEMENT TRUST FUND		39,125
	FROM FEDERAL GRANTS TRUST FUND		43,032
From the funds in Specific Appropriation 421, \$166,794 from recurring General Revenue and \$85,924 from the Administrative Trust Fund are provided to implement the provisions of Senate Bill 1258 or similar legislation which becomes law.			
422	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,818	
	FROM ADMINISTRATIVE TRUST FUND		17
423	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	48,785	
TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE			
	FROM GENERAL REVENUE FUND	7,999,522	
	FROM TRUST FUNDS		1,244,283
	TOTAL POSITIONS	145	
	TOTAL ALL FUNDS		9,243,805

PROGRAM: SUBSTANCE ABUSE PROGRAM

From the funds in Specific Appropriation 424 through 431B, the Substance Abuse Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures-Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of children with substance abuse who are drug free during 12 months following completion of treatment.....	52%
2. Percent of adults who are drug free during the 12 months following completion of treatment	54%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

PROGRAM MANAGEMENT AND COMPLIANCE

424	SALARIES AND BENEFITS	POSITIONS	70
	FROM GENERAL REVENUE FUND		1,876,784
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		896,264
	FROM FEDERAL GRANTS TRUST FUND		457,841
425	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

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426	EXPENSES		
	FROM GENERAL REVENUE FUND	308,260	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		198,774
	FROM FEDERAL GRANTS TRUST FUND		291,590
427	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	3,554	
428	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	170,840	
	FROM GRANTS AND DONATIONS TRUST FUND		11,859
429	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	25,458	
TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE			
	FROM GENERAL REVENUE FUND	2,424,670	
	FROM TRUST FUNDS		2,368,173
	TOTAL POSITIONS	70	
	TOTAL ALL FUNDS		4,792,843

CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES

430	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	24,476,388	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		26,748,873
	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 430 and 431, 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 430, the following projects are funded from recurring General Revenue unless specifically noted:

Roots N' Wings - Broward County.....	25,000
Disc Village, Inc. Adolescent Treatment Program - Big Bend..	125,000
The Compass Program - Dade County (Non-Recurring).....	200,000

TOTAL: CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES			
	FROM GENERAL REVENUE FUND	24,476,388	
	FROM TRUST FUNDS		40,076,780
	TOTAL ALL FUNDS		64,553,168

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES

431	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	23,341,191	

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	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		59,744,993
	FROM TOBACCO SETTLEMENT TRUST FUND		6,418,998
	FROM FEDERAL GRANTS TRUST FUND		16,097,500
	FROM GRANTS AND DONATIONS TRUST FUND		637,300
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		290,880

From the funds in Specific Appropriation 431, \$500,000 is provided in recurring Federal Grants Trust Funds (Temporary Assistance to Needy Families) to continue to expand the Center for Drug Free Living's Women and Infant's Residential Program in Brevard County. \$725,000 in recurring Federal Grants Trust Fund is provided to Gateway Community Services - Duval County, and \$362,500 in recurring Federal Grants Trust Fund is provided to the Center for Drug Free Living - Brevard, Orange, Osceola and Seminole Counties.

From the funds in Specific Appropriation 431, the following issues are from recurring General Revenue:

New Horizons Dual Diagnosis Aftercare - Dade County.....	100,000
Addiction Treatment Services - District 12.....	91,000
New Beginnings Program Renewal - District 12.....	150,000
Stewart Marchman Center - Flagler and Volusia Counties.....	1,043,217

431A SPECIAL CATEGORIES
SUBSTANCE ABUSE PROGRAMS

FROM GENERAL REVENUE FUND	3,550,000
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The following projects from Specific Appropriation 431A, are funded from recurring General Revenue Funds unless specifically noted:

Adolescent Residential Substance Abuse Treatment Facility - Charlotte, Desoto, Manatee and Sarasota Counties.....	1,000,000
The Starting Place - Broward, Dade And Palm Beach Counties..	450,000
Passage Way Aftercare Project - Volusia County.....	200,000
Here's Help - Dade County.....	100,000
Joshua House/Transitional Housing for Recovering Addicts (Non-Recurring).....	100,000
Safeport - Key West (Non-Recurring).....	50,000
STEPS Women with Children Program - Residential for Substance Abusing Women with Co-occurring Disorders and other stressors-Orange, Osceola, Seminole/Brevard Counties (Non-Recurring).....	150,000
Coconut Grove Behavioral Center - Dade County.....	200,000
Village Adolescent Treatment Program for Dually Diagnosed Girls - Dade County.....	500,000
Informed Families of Florida - Statewide (Non-Recurring)....	800,000

431B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
MENTAL HEALTH/SUBSTANCE ABUSE FACILITIES

FROM GENERAL REVENUE FUND	553,000
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The following projects from Specific Appropriation 431B, are funded from nonrecurring General Revenue Funds:

Human Services Associates - Orange County.....	422,000
Crawford/Monarch Houses - Broward County.....	131,000

Funds in Specific Appropriation 431B 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	27,444,191	
	FROM TRUST FUNDS		83,189,671

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TOTAL ALL FUNDS 110,633,862

PROGRAM: ECONOMIC SELF SUFFICIENCY PROGRAM

From the funds in Specific Appropriation 432 through 466, the Economic Self-Sufficiency Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
OUTCOMES:	
1. Percent of all applications processed within time standards.....	99.0%
2. Percent of suspected fraud cases referred that result in front-end fraud prevention savings.....	70.0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

COMPREHENSIVE ELIGIBILITY SERVICES

432	SALARIES AND BENEFITS	POSITIONS	7,278	
	FROM GENERAL REVENUE FUND		130,530,072	
	FROM ADMINISTRATIVE TRUST FUND			107,060,630
433	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		2,452,743	
	FROM ADMINISTRATIVE TRUST FUND			2,193,431
434	EXPENSES			
	FROM GENERAL REVENUE FUND		24,333,804	
	FROM ADMINISTRATIVE TRUST FUND			21,252,827
435	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		5,162	
	FROM ADMINISTRATIVE TRUST FUND			154,025
436	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND		1,405,462	
	FROM ADMINISTRATIVE TRUST FUND			1,038,393
437	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		1,470,309	
	FROM ADMINISTRATIVE TRUST FUND			1,465,127
TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES				
	FROM GENERAL REVENUE FUND		160,197,552	
	FROM TRUST FUNDS			133,164,433
	TOTAL POSITIONS		7,278	
	TOTAL ALL FUNDS			293,361,985

PROGRAM MANAGEMENT AND COMPLIANCE

438	SALARIES AND BENEFITS	POSITIONS	279	
	FROM GENERAL REVENUE FUND		7,684,828	
	FROM ADMINISTRATIVE TRUST FUND			5,465,560
	FROM FEDERAL GRANTS TRUST FUND			35,429
	FROM REFUGEE ASSISTANCE TRUST FUND			4,380
439	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		23,466	
	FROM ADMINISTRATIVE TRUST FUND			97,039

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440	EXPENSES			
	FROM GENERAL REVENUE FUND		4,559,765	
	FROM ADMINISTRATIVE TRUST FUND			3,721,563
	FROM FEDERAL GRANTS TRUST FUND			20,835
441	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		15,574	
	FROM ADMINISTRATIVE TRUST FUND			14,233
442	LUMP SUM			
	HOMELESS PROGRAM	POSITIONS	2	
	FROM GENERAL REVENUE FUND			5,000,000

From the recurring General Revenue funds in Specific Appropriation 442, \$177,332 shall be retained by the Department of Children and Family Services to fund two full-time administrative positions to support the Homeless Program; \$625,000 shall be utilized to fund one full-time position in each of the Local Coalitions for the Homeless, and \$197,668 shall be used to fund an increase in the homeless grant-in-aid program annual appropriation. The remaining sum of \$4 million shall be used to provide additional services to the homeless pursuant to the "Challenge Grants" program authorized in s. 420.622, Florida Statutes.

443	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND		725,000	
	FROM ADMINISTRATIVE TRUST FUND			3,294,394

Funds in Specific Appropriation 443 include recurring General Revenue for the following projects:

Clearwater Homeless Intervention.....	100,000
Goodwill Industries of South Florida - Clothing.....	500,000
Broward Partnership for the Homeless.....	100,000

Specific Appropriation 443 also includes non-recurring General Revenue for the following project:

Opening Doors (Abriendo Puertas).....	25,000
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444	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		148,352	
	FROM ADMINISTRATIVE TRUST FUND			148,352

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	18,156,985	
FROM TRUST FUNDS		12,801,785
TOTAL POSITIONS	281	
TOTAL ALL FUNDS		30,958,770

FRAUD PREVENTION AND BENEFIT RECOVERY

445	SALARIES AND BENEFITS	POSITIONS	200	
	FROM GENERAL REVENUE FUND		2,182,416	
	FROM ADMINISTRATIVE TRUST FUND			4,642,783
446	EXPENSES			
	FROM GENERAL REVENUE FUND		506,154	
	FROM ADMINISTRATIVE TRUST FUND			1,758,687
447	SPECIAL CATEGORIES			
	PUBLIC ASSISTANCE FRAUD CONTRACT			
	FROM GENERAL REVENUE FUND		47,752	
	FROM ADMINISTRATIVE TRUST FUND			4,447,752
448	SPECIAL CATEGORIES			
	FOOD STAMP REINVESTMENT			
	FROM GRANTS AND DONATIONS TRUST FUND			3,000,000

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TOTAL: FRAUD PREVENTION AND BENEFIT RECOVERY

FROM GENERAL REVENUE FUND	2,736,322	
FROM TRUST FUNDS		13,849,222
TOTAL POSITIONS	200	
TOTAL ALL FUNDS		16,585,544

SPECIAL ASSISTANCE PAYMENTS

449 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

450 FINANCIAL ASSISTANCE PAYMENTS
ADULT CONGREGATE LIVING FACILITY CARE
SUPPLEMENT

FROM GENERAL REVENUE FUND	24,403,695	
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Funds in Specific Appropriations 450 and 451 may be expended by the department to increase the Optional State Supplementation personal needs allowance from \$43 per month per client to \$54 per month per client. The increase in personal needs allowance is contingent upon federal approval of a Medicaid state plan amendment authorized for Specific Appropriations 450 and 451.

451 FINANCIAL ASSISTANCE PAYMENTS
FOSTER HOME CARE SUPPLEMENT

FROM GENERAL REVENUE FUND	2,129,325	
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From the funds in Specific Appropriations 450 and 451, the Department of Children and Family Services is authorized to transfer funds necessary to implement Medicaid coverage for assistive care services. These funds are contingent upon the availability of state match being provided in accordance with Specific Appropriation 281. This transfer is contingent upon federal approval of a Medicaid state plan amendment to allow coverage of assistive care services for Medicaid beneficiaries residing in licensed assisted living facilities, adult family care homes, or residential treatment facilities with 16 beds or less, and are eligible for the state's Optional State Supplementation Program.

452 FINANCIAL ASSISTANCE PAYMENTS
PERSONAL CARE ALLOWANCE

FROM GENERAL REVENUE FUND	314,456	
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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

453 SALARIES AND BENEFITS POSITIONS 5

FROM ADMINISTRATIVE TRUST FUND		274,810
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454 OTHER PERSONAL SERVICES

FROM ADMINISTRATIVE TRUST FUND		139,275
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455 EXPENSES

FROM ADMINISTRATIVE TRUST FUND		438,225
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456 OPERATING CAPITAL OUTLAY

FROM ADMINISTRATIVE TRUST FUND		5,153
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458 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

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FROM ADMINISTRATIVE TRUST FUND	4,342,712
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	2,105,274

459 SPECIAL CATEGORIES
RESPIRE CHILD CARE FOR WORK AND GAIN
ECONOMIC SELF-SUFFICIENCY (WAGES) CLIENTS

FROM FEDERAL GRANTS TRUST FUND	2,000,000
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From the funds appropriated in Specific Appropriation 459, up to \$2 million may be used to purchase respite child care services for up to 30 days for children eligible for subsidized child care whose families need short-term emergency child care for reasons such as family illness, crisis intervention, hospital stays, and other respite situations. Settings may include, but are not limited to hospital-based mildly ill child care programs. 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.

459A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE - WAGES

FROM GENERAL REVENUE FUND	80,813,336
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND	35,584,384
FROM FEDERAL GRANTS TRUST FUND	95,496,924

Funds in Specific Appropriation 459A are provided for child care services to WAGES recipients; however, by September 30, 2001, 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 459A, up to \$1,500,000 is provided for the 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 459A 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.

459B SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD CARE - WORKING
POOR AND AT-RISK FAMILIES

FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND	273,309,533
FROM FEDERAL GRANTS TRUST FUND	60,472,784
FROM GRANTS AND DONATIONS TRUST FUND	4,700,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	5,000

From funds in Specific Appropriation 459B, up to \$1,500,000 is provided for the 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.

From funds in Specific Appropriation 459B, up to \$15 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 \$15 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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Funds in Specific Appropriation 459B 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.

Funds in Specific Appropriation 459B shall require a six percent match from local sources. In-kind match is allowable provided there is not a 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 for WAGES participants, Transitional Child Care participants, or children at risk of abuse and neglect.

460	FINANCIAL ASSISTANCE PAYMENTS		
	CASH ASSISTANCE		
	FROM GENERAL REVENUE FUND	210,141,212	
	FROM ADMINISTRATIVE TRUST FUND		10,000,000
TOTAL: WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)			
AND EMPLOYMENT SUPPORTS			
	FROM GENERAL REVENUE FUND	290,954,548	
	FROM TRUST FUNDS		488,874,074
	TOTAL POSITIONS	5	
	TOTAL ALL FUNDS		779,828,622

REFUGEES

461	SALARIES AND BENEFITS	POSITIONS	21	
	FROM ADMINISTRATIVE TRUST FUND			963,889
462	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			165,272
463	EXPENSES			
	FROM ADMINISTRATIVE TRUST FUND			301,190
464	SPECIAL CATEGORIES			
	GRANTS AND AIDS - LOCAL SERVICES PROGRAM			
	FROM FEDERAL GRANTS TRUST FUND		39,809,114	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			60,706
465	SPECIAL CATEGORIES			
	SERVICES TO REPATRIATED AMERICANS			
	FROM FEDERAL GRANTS TRUST FUND			40,380
466	FINANCIAL ASSISTANCE PAYMENTS			
	REFUGEE/ENTRANT ASSISTANCE			
	FROM REFUGEE ASSISTANCE TRUST FUND			5,590,195
TOTAL: REFUGEES				
	FROM TRUST FUNDS			46,930,746
	TOTAL POSITIONS	21		
	TOTAL ALL FUNDS			46,930,746

ELDER AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriation 467 through 502, the Services to Elders Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures - Outcomes	Standards
.....	
OUTCOMES:	
.....	
1. Percent of elders the CARES program determined eligible for	
nursing home placement who are diverted into the	

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community.....	19.7%	
2. Percent of most frail elders who remain at home or in the		
community instead of going into a nursing home.....	93.0%	
.....		
Additional approved measures and standards are established in the FY		
2001-2002 Implementing Bill and are incorporated herein by reference.		
=====		

PROGRAM: SERVICES TO ELDERS PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

467	SALARIES AND BENEFITS	POSITIONS	197	
	FROM GENERAL REVENUE FUND		2,357,871	
	FROM TOBACCO SETTLEMENT TRUST FUND			145,971
	FROM FEDERAL GRANTS TRUST FUND			40,912
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			5,932,350
468	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		151,887	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			473,378
469	EXPENSES			
	FROM GENERAL REVENUE FUND		436,892	
	FROM TOBACCO SETTLEMENT TRUST FUND			43,094
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			1,437,759
470	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		11,951	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			35,854
471	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		17,715	
	FROM TOBACCO SETTLEMENT TRUST FUND			4,011
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			5,654
TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES				
	FROM GENERAL REVENUE FUND		2,976,316	
	FROM TRUST FUNDS			8,118,983
	TOTAL POSITIONS	197		
	TOTAL ALL FUNDS			11,095,299

HOME AND COMMUNITY SERVICES

473	SALARIES AND BENEFITS	POSITIONS	71	
	FROM GENERAL REVENUE FUND		1,360,784	
	FROM ADMINISTRATIVE TRUST FUND			137,297
	FROM FEDERAL GRANTS TRUST FUND			1,645,736
	FROM GRANTS AND DONATIONS TRUST FUND			44,418
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			413,314
474	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		34,074	
	FROM FEDERAL GRANTS TRUST FUND			77,992
475	EXPENSES			
	FROM GENERAL REVENUE FUND		75,385	
	FROM ADMINISTRATIVE TRUST FUND			44,225
	FROM FEDERAL GRANTS TRUST FUND			263,282
	FROM GRANTS AND DONATIONS TRUST FUND			99,594
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			43,114

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476	LUMP SUM HOME AND COMMUNITY SERVICES LONG TERM CARE OPTIONS		
	FROM GENERAL REVENUE FUND	7,750,000	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		10,045,637

Funds in Specific Appropriation 476 shall be used for the Home and Community Based Services Waiver, the Assisted Living for the Elderly Medicaid Waiver, and the Nursing Home Diversion Waiver and shall be allotted as determined by the department pursuant to the provisions of Chapter 216, Florida Statutes.

From funds in Specific Appropriation 476 and 486, the department may give priority consideration in allocating funds for Medicaid qualified facilities coordinated through public housing programs and demonstration projects for assisted living for the elderly Medicaid waivers. The department may contract directly with these facilities for the Medicaid eligible residents at high risk for nursing home placement.

477	SPECIAL CATEGORIES AGING AND ADULT SERVICES TRAINING AND EDUCATION		
	FROM FEDERAL GRANTS TRUST FUND		119,493

478	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 478, \$800,000 in recurring General Revenue funds is provided for the Alzheimer's Community Care Association in Palm Beach and Martin Counties.

479	SPECIAL CATEGORIES GRANTS AND AIDS - ALZHEIMERS DISEASE RESPIRE SERVICES		
	FROM GENERAL REVENUE FUND	7,301,939	
	FROM TOBACCO SETTLEMENT TRUST FUND		500,000

480	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY		
	FROM GENERAL REVENUE FUND	47,142,591	
	FROM TOBACCO SETTLEMENT TRUST FUND		9,901,184
	FROM FEDERAL GRANTS TRUST FUND		249,025
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		750,000

From funds in Specific Appropriation 480, 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 480, 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 the funds in Specific Appropriation 480, \$500,000 from recurring General Revenue shall continue to be provided for the Department of Elder Affairs Dementia Caregivers Initiative. This initiative continues the contract with the University of Florida Health Science Center for a Dementia Caregivers Telehealth Pilot Project that will provide statewide information and a support hotline for caregivers of the elderly with dementia and provides for the Stroke and Neurobehavioral Rehabilitation

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Project, which focuses on prevention, treatment, rehabilitation and community reintegration following strokes.

481	SPECIAL CATEGORIES GRANTS AND AIDS - HOME ENERGY ASSISTANCE		
	FROM FEDERAL GRANTS TRUST FUND		1,000,758

482	SPECIAL CATEGORIES GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
	FROM GENERAL REVENUE FUND	346,998	
	FROM FEDERAL GRANTS TRUST FUND		79,001,460

483	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		7,664,449
	FROM GRANTS AND DONATIONS TRUST FUND		277,375
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		213,376

Of the funds in Specific Appropriation 483, 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 483, \$40,000 in General Revenue is provided for each Planning and Service Area (PSA) to continue to administer the program and will contractually negotiate acceptable administrative costs with service providers necessary to operate the program.

484	SPECIAL CATEGORIES ASSISTED LIVING FACILITY STAFF TRAINING		
	FROM ADMINISTRATIVE TRUST FUND		617,500

485	SPECIAL CATEGORIES HOME AND COMMUNITY BASED SERVICES WAIVER		
	FROM GENERAL REVENUE FUND	22,837,925	
	FROM TOBACCO SETTLEMENT TRUST FUND		8,000,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		39,072,998

Of the funds in Specific Appropriation 485, the department may allocate funds in Planning and Service Areas (PSA) to support Medicaid waiver 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.

Of the funds in Specific Appropriation 485, 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 485, \$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 485 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.

486	SPECIAL CATEGORIES ASSISTED LIVING FACILITY WAIVER		
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FROM GENERAL REVENUE FUND	5,516,149	
FROM TOBACCO SETTLEMENT TRUST FUND		5,000,000
FROM FEDERAL GRANTS TRUST FUND		1,294,321
FROM OPERATIONS AND MAINTENANCE TRUST FUND	12,168,409	

From the funds in Specific Appropriation 486, \$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.

From the funds in Specific Appropriation 476 and/or 486, the department may give priority consideration in allocating funds for Medicaid Qualified facilities coordinated through public housing programs and demonstration projects for assisted living for the Elderly Medicaid Waivers. The department may contract directly with these facilities for the Medicaid eligible residents at high risk for nursing home placement.

487 SPECIAL CATEGORIES

GRANTS AND AIDS - LOCAL SERVICES PROGRAMS	
FROM GENERAL REVENUE FUND	3,433,443

From the funds in Specific Appropriation 487, \$227,188 in recurring General Revenue is provided to the Jewish Community Services - Miami Beach Senior Center for local services programs.

From the funds in Specific Appropriation 487, elderly care services shall be provided to the following counties and funded from recurring General Revenue:

Pasco/Pinellas.....	1,251,033
Broward.....	814,224
Dade.....	797,860
Hillsborough.....	135,093

488 SPECIAL CATEGORIES

COMMUNITY CARE PROGRAMS FOR THE ELDERLY	
FROM GENERAL REVENUE FUND	5,245,046
FROM TOBACCO SETTLEMENT TRUST FUND	200,000

From the funds in Specific Appropriation 488, the following Community Care Programs for the Elderly are from recurring General Revenue unless specifically noted:

Dunedin Senior Center Furnishings and Equipment (Non-Recurring).....	190,000
Transportation Services for the Elderly and Disabled - Palm Beach County.....	175,000
Conversion of Hill Burton Hospital - Extended Congregate Care - Walton County.....	357,000
Alzheimer's Mobile Services for Rural Areas - Alzheimer's Associates - Charlotte and Desoto Chapter.....	200,000
Senior Wellness Project - Dade County.....	200,000
Prime Time Seniors - Dade County.....	25,000
Austin Hepburn Senior Mini-Center - Broward County.....	100,000
Alzheimer's Services - Dade and Monroe Counties.....	200,000
Senior Citizen Advocacy - Duval County.....	60,000
Alzheimer's Caregiver Program - Dade County.....	200,000
Elder-Ready Nutrition Program - Dade County (nonrecurring)..	260,000
Southwest Social Services Program - Dade County (nonrecurring).....	485,000
Additional Congregate and Homebound Meals for At-Risk Elderly Non-Ambulatory and Handicapped Residents of the Allapattah - Dade County (nonrecurring).....	312,000
Safe Communities Lifelong Mobility Center Elder Mobility Project in Palm Beach County (nonrecurring).....	120,606
City of Sweetwater Elderly Activities Center - Dade (non- recurring).....	550,000
Immigration Assistance Program (nonrecurring).....	50,000
Homebound Diabetics Services - Dade (nonrecurring).....	250,000
High Risk Nutritional Program for Elders - Dade (nonrecurring).....	1,340,440
Senior Community Outreach - Sarasota County.....	170,000

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489A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - SENIOR CITIZEN CENTERS	
FROM GENERAL REVENUE FUND	900,000
FROM TOBACCO SETTLEMENT TRUST FUND	2,000,000

The nonrecurring General Revenue funds and Tobacco Settlement Trust funds in Specific Appropriation 489A provided for senior centers shall be allocated as follows:

Regional Senior Resource Center of Manatee County (Tobacco Settlement Funds).....	2,000,000
St. Johns County Council on Aging Senior Center.....	100,000
Alzheimer's Care Center of Titusville - Brevard County.....	300,000
Autumn House Renovation - Okaloosa.....	250,000
Hudson-Bayonet Point Senior Enrichment.....	250,000

Funds in Specific Appropriation 489A 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	107,608,026
FROM TRUST FUNDS	181,633,957
TOTAL POSITIONS	71
TOTAL ALL FUNDS	289,241,983

EXECUTIVE DIRECTION AND SUPPORT SERVICES

490 SALARIES AND BENEFITS	POSITIONS	78
FROM GENERAL REVENUE FUND		1,452,173
FROM FEDERAL GRANTS TRUST FUND		1,946,852
FROM GRANTS AND DONATIONS TRUST FUND . . .		141,493
FROM OPERATIONS AND MAINTENANCE TRUST FUND		428,354

From the funds in Specific Appropriation 490, the Department of Elder Affairs in conjunction with the Agency for Health Care Administration shall review and evaluate the effectiveness of nursing home diversion programs. A report shall be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30, 2001.

491 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND	63,860
492 EXPENSES	
FROM GENERAL REVENUE FUND	314,657
FROM ADMINISTRATIVE TRUST FUND	33,564
FROM FEDERAL GRANTS TRUST FUND	917,728

493 SPECIAL CATEGORIES	
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM	
FROM FEDERAL GRANTS TRUST FUND	1,602,462

494 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND	19,377
FROM ADMINISTRATIVE TRUST FUND	1,825

494A 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	1,850,067
FROM TRUST FUNDS	5,077,566

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	TOTAL POSITIONS	78	
	TOTAL ALL FUNDS		6,927,633
CONSUMER ADVOCATE SERVICES			
496	SALARIES AND BENEFITS	28	
	FROM GENERAL REVENUE FUND	653,700	
	FROM TOBACCO SETTLEMENT TRUST FUND		141,319
	FROM FEDERAL GRANTS TRUST FUND		404,317
497	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	58,000	
498	EXPENSES		
	FROM GENERAL REVENUE FUND	111,712	
	FROM TOBACCO SETTLEMENT TRUST FUND		138,354
	FROM FEDERAL GRANTS TRUST FUND		860
499	SPECIAL CATEGORIES		
	GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND		800,000
500	SPECIAL CATEGORIES		
	PUBLIC GUARDIANSHIP CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	652,286	
	FROM TOBACCO SETTLEMENT TRUST FUND		23,476
501	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,474	
	FROM FEDERAL GRANTS TRUST FUND		2,458
502	SPECIAL CATEGORIES		
	LONG TERM CARE OMBUDSMAN COUNCIL		
	FROM GENERAL REVENUE FUND	33,203	
TOTAL: CONSUMER ADVOCATE SERVICES			
	FROM GENERAL REVENUE FUND	1,510,375	
	FROM TRUST FUNDS		1,510,784
	TOTAL POSITIONS	28	
	TOTAL ALL FUNDS		3,021,159

HEALTH, DEPARTMENT OF

From the funds in Specific Appropriations 503 through 637 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 503 through 637 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.

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PROGRAM: EXECUTIVE DIRECTION AND ADMINISTRATION			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
503	SALARIES AND BENEFITS	381	
	FROM GENERAL REVENUE FUND	10,749,490	
	FROM ADMINISTRATIVE TRUST FUND		3,112,648
	FROM TOBACCO SETTLEMENT TRUST FUND		1,410,305
	FROM FEDERAL GRANTS TRUST FUND		796,750
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		349,233
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		334,896
504	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	489,194	
	FROM ADMINISTRATIVE TRUST FUND		105,013
	FROM TOBACCO SETTLEMENT TRUST FUND		320,357
	FROM FEDERAL GRANTS TRUST FUND		165,000
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		21,114
505	EXPENSES		
	FROM GENERAL REVENUE FUND	3,804,525	
	FROM ADMINISTRATIVE TRUST FUND		575,537
	FROM TOBACCO SETTLEMENT TRUST FUND		671,364
	FROM FEDERAL GRANTS TRUST FUND		352,697
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		95,427
506	AID TO LOCAL GOVERNMENTS		
	COMMUNITY HEALTH INITIATIVES		
	FROM TOBACCO SETTLEMENT TRUST FUND		150,000
507	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	238,091	
507A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	100,000	
The recurring funds in Specific Appropriation 507A, are provided to the College of Public Health's Leadership Institute at the University of South Florida.			
508	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	320,980	
508A	SPECIAL CATEGORIES		
	NATIONAL PARKINSON'S FOUNDATION		
	FROM GENERAL REVENUE FUND	1,046,000	
Funds in Specific Appropriation 508A include \$295,500 in recurring funds for a respite program in Dade County.			
509	SPECIAL CATEGORIES		
	FLORIDA TOBACCO PILOT - MARKETING AND COMMUNICATIONS		
	FROM TOBACCO SETTLEMENT TRUST FUND		15,000,000
Funds in Specific Appropriation 509 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 producing TV ads related to health care and must have extensive experience working with experts in polling data.			

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Funds in Specific Appropriations 509 through 513 shall be expended by the Department of Health in coordination with the Office of Drug Control Policy in the Executive Office of the Governor.

510	SPECIAL CATEGORIES FLORIDA TOBACCO PILOT - EDUCATION AND TRAINING	
	FROM TOBACCO SETTLEMENT TRUST FUND	9,122,000

From the funds in Specific Appropriation 510, \$1,620,000 in nonrecurring 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. Pursuant to guidelines established by the department, each provider shall be paid \$270,000 for providing these courses.

From the funds in Specific Appropriation 510, \$500,000 in nonrecurring funds from the Tobacco Settlement Trust Fund shall be provided to the D-FY-IT Program in Dade County.

From funds in Specific Appropriation 510, up to \$2,000,000 from the Tobacco Settlement Trust Fund shall be used to distribute the Q-U curriculum through collaboration with 1st year Florida State Medical students. Q-U will be distributed to secondary schools in areas defined in the West Florida Area Health Education Center as defined in Chapter 94-484, Laws of Florida. The Q-U Program is a multi-disciplinary, science-based, interactive program, Q-U is modeled after the current Science, Tobacco and You program for elementary school students.

From the funds in Specific Appropriation 510, \$177,000 shall be provided to Fairchild Tropical Gardens for the administration of an education program regarding tobacco and the long-term health effects of smoking.

511	SPECIAL CATEGORIES FLORIDA TOBACCO PILOT - EVALUATION AND RESEARCH	
	FROM TOBACCO SETTLEMENT TRUST FUND	2,500,000

512	SPECIAL CATEGORIES FLORIDA TOBACCO PILOT - YOUTH PROGRAMS AND COMMUNITY PARTNERSHIPS	
	FROM TOBACCO SETTLEMENT TRUST FUND	9,523,000

513	SPECIAL CATEGORIES FLORIDA TOBACCO PILOT - STATEWIDE MINORITY NETWORK	
	FROM TOBACCO SETTLEMENT TRUST FUND	1,000,000

TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES	
	FROM GENERAL REVENUE FUND	16,748,280
	FROM TRUST FUNDS	45,605,341
	TOTAL POSITIONS	381
	TOTAL ALL FUNDS	62,353,621

INFORMATION TECHNOLOGY

514A	SALARIES AND BENEFITS	POSITIONS	71
	FROM GENERAL REVENUE FUND		1,642,267
	FROM ADMINISTRATIVE TRUST FUND		1,203,260
	FROM TOBACCO SETTLEMENT TRUST FUND		243,867
	FROM FEDERAL GRANTS TRUST FUND		116,806
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND		926,153

514B	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	55,000
	FROM ADMINISTRATIVE TRUST FUND	231,000

514C	EXPENSES	
	FROM GENERAL REVENUE FUND	409,595

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	FROM ADMINISTRATIVE TRUST FUND	9,945,505
	FROM TOBACCO SETTLEMENT TRUST FUND	1,132,466
	FROM FEDERAL GRANTS TRUST FUND	1,513,231
	FROM MEDICAL QUALITY ASSURANCE TRUST FUND	2,502,911

514D	OPERATING CAPITAL OUTLAY	
	FROM ADMINISTRATIVE TRUST FUND	1,948,143
	FROM FEDERAL GRANTS TRUST FUND	237,730

From the funds in Specific Appropriations 514C and 514D, \$200,000 shall be transferred to the Technology Review Workgroup by the Executive Office of the Governor pursuant to the provisions of Chapter 216, F.S. to monitor the Integrated Health Information Systems project. This project shall be subject to monitoring as a critical information resources management project under section 282.322, F.S. The project monitor shall also provide copies of their findings and reports to the State Technology Office to facilitate corrective action as necessary.

515	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	6,691

515A	DATA PROCESSING SERVICES CHILDREN AND FAMILIES DATA CENTER	
	FROM GENERAL REVENUE FUND	2,839
	FROM ADMINISTRATIVE TRUST FUND	5,301,305

515B	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	2,116,392
	FROM TRUST FUNDS	25,405,090
	TOTAL POSITIONS	71
	TOTAL ALL FUNDS	27,521,482

PROGRAM: COMMUNITY PUBLIC HEALTH

From the funds in Specific Appropriations 517 through 587, the Community Public Health Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====		
Performance	FY 2001-2002	
Measures - Outcomes	Standards	
.....		
OUTCOMES:		
.....		
1. AIDS case rate per 100,000 population.....	33.18	
2. Food and waterborne disease outbreaks per 10,000 facilities regulated by the Department of Health.....	3.5%	
3. Infant mortality rate per 1,000 live births.....	6.7	
.....		
Additional approved measures and standards are established in the FY		
2001-2002 Implementing Bill and are incorporated herein by reference.		
=====		

FAMILY HEALTH SERVICES

517	SALARIES AND BENEFITS	POSITIONS	161
	FROM GENERAL REVENUE FUND		2,158,062
	FROM ADMINISTRATIVE TRUST FUND		123,064
	FROM FEDERAL GRANTS TRUST FUND		4,863,271
	FROM GRANTS AND DONATIONS TRUST FUND		2,388
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		604,900

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518	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	55,649	
	FROM FEDERAL GRANTS TRUST FUND		207,321
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		102,074
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		93,482
519	EXPENSES		
	FROM GENERAL REVENUE FUND	732,683	
	FROM ADMINISTRATIVE TRUST FUND		2,195,863
	FROM TOBACCO SETTLEMENT TRUST FUND		223,421
	FROM FEDERAL GRANTS TRUST FUND		6,616,151
	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		3,055,335
520	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
	From the recurring General Revenue Funds in Specific Appropriation 520, \$22,140 is provided for a Colposcopy contract with the Alachua County Health Department and \$115,759 is provided for the Northeast Florida Planned Parenthood.		
521	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - EPILEPSY SERVICES		
	FROM GENERAL REVENUE FUND	2,438,870	
	FROM FEDERAL GRANTS TRUST FUND		300,000
522	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES		
	FROM EPILEPSY SERVICES TRUST FUND		1,340,000
	From the Epilepsy Services Trust Fund in Specific Appropriation 522 and from any revenues of the Epilepsy Services Trust Fund, the Department of Health shall limit administrative expenditures to 5% of annual receipts.		
523	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS		
	FROM FEDERAL GRANTS TRUST FUND		68,802,986
524	AID TO LOCAL GOVERNMENTS		
	CONTRIBUTION TO COUNTY HEALTH UNITS		
	FROM GENERAL REVENUE FUND	5,280,749	
	FROM TOBACCO SETTLEMENT TRUST FUND		539,221
	From the recurring General Revenue Funds in Specific Appropriation 524, \$187,084 is provided for Planned Parenthood contracts in Collier and Sarasota Counties.		
525	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - PRIMARY CARE PROGRAM		
	FROM GENERAL REVENUE FUND	23,027,692	
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND		500,000
526	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FLUORIDATION PROJECT		
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		366,747
527	AID TO LOCAL GOVERNMENTS		
	IMPROVED PREGNANCY OUTCOME PROGRAM		
	FROM GENERAL REVENUE FUND	28,165,230	
	FROM FEDERAL GRANTS TRUST FUND		13,000,000
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		2,719,492

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	From the recurring General Revenue Funds in Specific Appropriation 527, \$70,000 is provided for a Midwifery contract with the University of Florida, and \$80,000 is provided for a Midwifery contract with the University of South Florida.		
528	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
529	AID TO LOCAL GOVERNMENTS		
	SCHOOL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	18,521,881	
	FROM TOBACCO SETTLEMENT TRUST FUND		3,000,000
	FROM FEDERAL GRANTS TRUST FUND		1,000,000
	From the recurring General Revenue Funds in Specific Appropriation 529, \$500,000 is provided for a School Health Volunteerism Program.		
530	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER		
	FROM GENERAL REVENUE FUND		1,000,000
	FROM TOBACCO SETTLEMENT TRUST FUND		309,300
531	SPECIAL CATEGORIES		
	GRANTS AND AIDS - OUNCE OF PREVENTION		
	FROM GENERAL REVENUE FUND		928,412
	FROM FEDERAL GRANTS TRUST FUND		3,571,588
532	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		3,528,145
	FROM ADMINISTRATIVE TRUST FUND		300,000
	FROM TOBACCO SETTLEMENT TRUST FUND		6,199,499
	FROM FEDERAL GRANTS TRUST FUND		8,767,435
	FROM GRANTS AND DONATIONS TRUST FUND		423,856
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		1,652,849
	From the recurring General Revenue Funds in Specific Appropriation 532, \$2,945,640 shall be allocated as follows:		
	Project Warm (Women Assisting Recovering Mothers).....		375,000
	Isabel Collier Read Contracted Services.....		570,640
	VisionQuest.....		1,000,000
	La Liga El Contra.....		1,000,000
	For the purposes of expanding KidCare and Medicaid outreach, a local governmental entity may certify local matching funds to serve as the state matching requirement to expand KidCare and Medicaid outreach.		
	From the funds in Specific Appropriation 532, \$100,000 from the Administrative Trust Fund is provided for outreach for the abandoned baby program.		
533	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HEALTHY START COALITIONS		
	FROM GENERAL REVENUE FUND		3,014,217
	FROM FEDERAL GRANTS TRUST FUND		2,388,004
534	SPECIAL CATEGORIES		
	HEALTH EDUCATION RISK REDUCTION PROJECT		
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		12,686
534A	SPECIAL CATEGORIES		
	KIDNEY DISEASE PROGRAM		
	FROM TOBACCO SETTLEMENT TRUST FUND		200,000
535	SPECIAL CATEGORIES		
	FULL SERVICE SCHOOLS - INTERAGENCY		

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COOPERATION	
FROM TOBACCO SETTLEMENT TRUST FUND	10,000,000
FROM FEDERAL GRANTS TRUST FUND	1,000,000

Funds in Specific Appropriation 535 shall be used to provide health services in schools and must be integrated with other school health services and included in the annual school health services plan.

536	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	21,423	
537	SPECIAL CATEGORIES		
	WOMEN, INFANTS AND CHILDREN (WIC)		
	FROM FEDERAL GRANTS TRUST FUND	212,687,145	
538	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF EDUCATION		
	FROM TOBACCO SETTLEMENT TRUST FUND	600,000	
539	SPECIAL CATEGORIES		
	MEDICALLY FRAGILE ENHANCEMENT PAYMENT		
	FROM GENERAL REVENUE FUND	610,020	
TOTAL:	FAMILY HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	96,154,170	
	FROM TRUST FUNDS		364,234,531
	TOTAL POSITIONS	161	
	TOTAL ALL FUNDS		460,388,701

INFECTIOUS DISEASE PREVENTION AND CONTROL

541	SALARIES AND BENEFITS	POSITIONS	380	
	FROM GENERAL REVENUE FUND		5,006,901	
	FROM FEDERAL GRANTS TRUST FUND			7,069,624
	FROM OPERATIONS AND MAINTENANCE TRUST			
	FUND			3,546,822
	FROM PREVENTIVE HEALTH SERVICES BLOCK			
	GRANT TRUST FUND			149,734
542	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND	53,346		
	FROM FEDERAL GRANTS TRUST FUND			623,226
	FROM OPERATIONS AND MAINTENANCE TRUST			
	FUND			57,211
543	EXPENSES			
	FROM GENERAL REVENUE FUND	3,105,028		
	FROM TOBACCO SETTLEMENT TRUST FUND			634,116
	FROM FEDERAL GRANTS TRUST FUND			6,156,021
	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
544	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - AIDS PATIENT CARE			
	FROM GENERAL REVENUE FUND	11,793,792		
	FROM FEDERAL GRANTS TRUST FUND			7,133,137

From the recurring General Revenue funds in Specific Appropriation 544, \$400,000 is provided for methadone outpatient treatment, HIV/AIDS, and hepatitis prevention services in Broward and Palm Beach Counties.

From the funds in Specific Appropriation 544, \$400,000 in recurring General Revenue for HIV/AIDS awareness, prevention and treatment services in Pinellas County.

From the funds in Specific Appropriation 544, \$50,000 in recurring General Revenue is provided for the Dade Hospice Program - AIDS Network.

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From the funds in Specific Appropriation 544, \$200,000 in recurring General Revenue is provided for HIV/AIDS - North Broward Hospital District.

545	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - RYAN WHITE CONSORTIA		
	FROM FEDERAL GRANTS TRUST FUND		17,930,745

Funds in Specific Appropriation 545 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for Florida's entire federal Ryan White grant award. The Department of Children and Family Services and the Department of Corrections shall collaborate in determining the amount of state General Revenue funds expended by the Department of Corrections for AIDS related activities and services that qualify as state matching funds for the federal Ryan White grant.

546	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 546, \$300,000 in recurring General Revenue is provided to Acquired Immune Deficiency Syndrome (AIDS) Help, Inc. in Monroe County.

547	AID TO LOCAL GOVERNMENTS		
	CONTRIBUTION TO COUNTY HEALTH UNITS		
	FROM GENERAL REVENUE FUND	14,555,795	
	FROM TOBACCO SETTLEMENT TRUST FUND		2,601,849

548	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ACQUIRED IMMUNE		
	DEFICIENCY SYNDROME (AIDS) NETWORK - DADE		
	COUNTY HOSPICE		
	FROM GENERAL REVENUE FUND		407,009

549	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		38,295

550	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND		92,548
	FROM OPERATIONS AND MAINTENANCE TRUST		
	FUND		431,313

551	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	2,067,770	
	FROM FEDERAL GRANTS TRUST FUND		9,561,955
	FROM PREVENTIVE HEALTH SERVICES BLOCK		
	GRANT TRUST FUND		7,658

From the recurring General Revenue funds in Specific Appropriation 551, \$997,710 is provided for methadone outpatient treatment, HIV/AIDS, and hepatitis prevention services in Broward and Palm Beach Counties.

552	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL		
	SERVICES		
	FROM GENERAL REVENUE FUND		259,540

553	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		2,148,794

554	SPECIAL CATEGORIES		
	HEALTH EDUCATION RISK REDUCTION PROJECT		
	FROM PREVENTIVE HEALTH SERVICES BLOCK		
	GRANT TRUST FUND		199,751

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555	SPECIAL CATEGORIES		
	HOSPITAL REIMBURSEMENT		
	FROM GENERAL REVENUE FUND	452,801	
556	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICES		
	FROM GENERAL REVENUE FUND	161,599	
557	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	116,750	
558	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	50,910,045	
	FROM TRUST FUNDS		60,348,103
	TOTAL POSITIONS	380	
	TOTAL ALL FUNDS		111,258,148
ENVIRONMENTAL HEALTH SERVICES			
560	SALARIES AND BENEFITS	POSITIONS	211
	FROM GENERAL REVENUE FUND		1,490,467
	FROM ADMINISTRATIVE TRUST FUND		2,580,935
	FROM FEDERAL GRANTS TRUST FUND		507,118
	FROM GRANTS AND DONATIONS TRUST FUND		169,229
	FROM RADIATION PROTECTION TRUST FUND		5,495,726
561	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
562	EXPENSES		
	FROM GENERAL REVENUE FUND	823,061	
	FROM ADMINISTRATIVE TRUST FUND		1,310,042
	FROM FEDERAL GRANTS TRUST FUND		557,788
	FROM GRANTS AND DONATIONS TRUST FUND		252,911
	FROM PREVENTIVE HEALTH SERVICES BLOCK		
	GRANT TRUST FUND		13,608
	FROM RADIATION PROTECTION TRUST FUND		1,823,768
563	AID TO LOCAL GOVERNMENTS		
	CONTRIBUTION TO COUNTY HEALTH UNITS		
	FROM GENERAL REVENUE FUND	4,179,722	
	FROM ADMINISTRATIVE TRUST FUND		1,722,436
	FROM GRANTS AND DONATIONS TRUST FUND		1,004,571
564	OPERATING CAPITAL OUTLAY		
	FROM RADIATION PROTECTION TRUST FUND		56,997
565	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM RADIATION PROTECTION TRUST FUND		210,856
566	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	33,438	
	FROM RADIATION PROTECTION TRUST FUND		2,885
567	SPECIAL CATEGORIES		
	STATE UNDERGROUND PETROLEUM ENVIRONMENTAL		
	RESPONSE (SUPER) ACT REIMBURSEMENT		
	FROM ADMINISTRATIVE TRUST FUND		434,775

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TOTAL: ENVIRONMENTAL HEALTH SERVICES			
	FROM GENERAL REVENUE FUND	6,529,231	
	FROM TRUST FUNDS		16,484,000
	TOTAL POSITIONS	211	
	TOTAL ALL FUNDS		23,013,231
COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS			
569	SALARIES AND BENEFITS		
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND		380,845,090
570	OTHER PERSONAL SERVICES		
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND		30,814,671
571	EXPENSES		
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND		128,297,356
572	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FAMILY PLANNING SERVICES		
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND		2,200,000
573	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - AIDS PATIENT CARE		
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND		3,073,996
574	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - CONSTRUCTION AND		
	RENOVATION OF COUNTY HEALTH UNIT		
	FACILITIES		
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND		7,533,960
575	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - MINORITY HEALTH		
	INITIATIVES		
	FROM GENERAL REVENUE FUND	5,000,000	
	FROM FEDERAL GRANTS TRUST FUND		3,600,000
From the funds in Specific Appropriation 575, \$300,000 in recurring General Revenue is provided for the Jessie Trice Cancer Prevention Project, \$300,000 in recurring General Revenue is provided for the statewide Sickie Cell Outreach Program, \$100,000 in recurring General Revenue is provided for the Community Environmental Health Advisory Board (CEHAB) and its pilot projects, and \$500,000 in recurring General Revenue is provided for the Minority Outreach Program at the Rafael Penalver Clinic, Inc.			
From the funds in Specific Appropriation 575, \$150,000 from the General Revenue Fund is provided for the Economic Opportunity Family Health Center in Dade County.			
576	AID TO LOCAL GOVERNMENTS		
	CONTRIBUTION TO COUNTY HEALTH UNITS		
	FROM GENERAL REVENUE FUND	115,386,217	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,000,000
577	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - PRIMARY CARE PROGRAM		
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND		11,548,687
577A	AID TO LOCAL GOVERNMENTS		
	COMMUNITY HEALTH INITIATIVES		
	FROM GENERAL REVENUE FUND	10,101,210	
	FROM COUNTY HEALTH DEPARTMENT TRUST FUND		2,250,000
General Revenue Funds in Specific Appropriation 577A are provided for community health initiatives. Unless otherwise specified these funds are recurring and shall be allocated as follows:			
	Medivan Project/Elderly Interest - Broward County.....		25,000
	Alpha One Program - Alachua County.....		500,000
	Rural Midwifery Service - Madison County.....		50,000

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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 Family Intervention/Support Program - Dade Co..	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
Gem and End of Life Care Project - Mt. Sinai.....	100,000
Central Florida Health Care Inc - Hardee, Highlands, Polk...	463,000
Rural Perinatal Care, Social Worker - Full Circle - Madison.	250,000
Prescription Access For The Underserved - Suncoast CHC - Hillsborough.....	100,000
Manatee Rural Health Services - Dental Program.....	200,000
Manatee Rural Health Services - Prescription Drugs.....	500,000
Manatee Rural Health Services - Obstetrics.....	320,000
First Step - Mothers And Infants Program - Manatee, Sarasota, Desoto.....	618,000
Medi Minder Program - Edward Waters College.....	220,000
Telehospice - Hope Hospice - Lee County.....	150,000
Early Detection and Screening Of Breast And Cervical Cancer In The Haitian-American-Dade County.....	200,000
Prevention and Intervention Center - River Region Human Services - Duval.....	250,000
Primary Care Center - Dania Beach - Memorial Health Care Systems.....	100,000
University of Florida Dental Clinics - Statewide.....	850,000

Non-recurring General Revenue Funds in Specific Appropriation 577A are provided for the following community health initiatives:

Police Defibrillators - City Of Sunny Isles Beach.....	100,000
Borinquen Health Care Center - Dade.....	230,210
Community Medical Care Center - Lake.....	250,000
Lakeland Volunteers in Medicine.....	500,000
Primary Care Services - Hollywood Area.....	100,000
Primary Care Services - Miramar Area.....	100,000
Escambia Community Clinic.....	850,000
Rural Health Network of Monroe County.....	50,000
Santa Rosa Community Clinic.....	100,000
Partnership for Healthy Communities - Escambia.....	50,000

From the County Health Department Trust Fund in Specific Appropriation 577A, \$500,000 shall be used to establish an emergency fund to address local emergency needs as defined by the Secretary of the Department of Health.

From the funds in Specific Appropriation 577A, \$1,750,000 in non-recurring County Health Department Trust Funds is provided for the following:

School Health - Hillsborough County.....	550,000
School Health - Brevard County.....	500,000
School Health - Escambia County.....	200,000
School Health - Monroe County.....	200,000
School Health - Dade County.....	300,000

578 OPERATING CAPITAL OUTLAY
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . 11,179,688

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579 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	445,800
580 SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	27,500
580A FIXED CAPITAL OUTLAY CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS FROM COUNTY HEALTH DEPARTMENT TRUST FUND .	3,800,000
580B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY FAMILY HEALTH FACILITIES FROM GENERAL REVENUE FUND 2,220,000 FROM TOBACCO SETTLEMENT TRUST FUND	1,940,000

From the funds in Specific Appropriation 580A, \$2,300,000 is for Miami 80th Terrace Clinic, \$500,000 is for the West Perrine County Health Department, \$500,000 is for the Gulf County Health Department, and \$500,000 is for the Walton County Health Department/Defuniak Springs Facility.

The nonrecurring General Revenue Funds in Specific Appropriation 580B, shall be allocated for family health facilities as follows:

Community Outreach/Preventive Health Center - CFCC - Marion.	500,000
Special Needs Evacuation Shelter - ARC - St. Johns.....	270,000
Taft And Zellwood Health Facilities.....	150,000
Northwest Florida Community Hospital - Chipley.....	350,000
Jacksonville Community Health Center - Planning.....	200,000
Baker Community Hospital Project.....	250,000
Gifford Health Center Building Project.....	500,000

The nonrecurring Tobacco Settlement Trust Funds in Specific Appropriation 580B, shall be allocated for family health facilities as follows:

Dover Community Health Center - Hillsborough.....	640,000
Planning and Construction of Replacement Facility Madison Hospital.....	1,300,000

Funds in Specific Appropriation 580B 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 132,707,427 FROM TRUST FUNDS	591,556,728
TOTAL ALL FUNDS	724,264,155

STATEWIDE HEALTH SUPPORT SERVICES

581 SALARIES AND BENEFITS POSITIONS 466 FROM GENERAL REVENUE FUND 8,406,901 FROM ADMINISTRATIVE TRUST FUND 330,122 FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 1,099,489 FROM FEDERAL GRANTS TRUST FUND 804,360 FROM GRANTS AND DONATIONS TRUST FUND 194,414 FROM PLANNING AND EVALUATION TRUST FUND 6,872,538	
582 OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND 8,546 FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 6,704 FROM FEDERAL GRANTS TRUST FUND 21,617 FROM PLANNING AND EVALUATION TRUST FUND 291,070	

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583	EXPENSES		
	FROM GENERAL REVENUE FUND	2,329,039	
	FROM ADMINISTRATIVE TRUST FUND		440,103
	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		6,642,937
584	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	226,779	
	FROM PLANNING AND EVALUATION TRUST FUND		28,302
585	SPECIAL CATEGORIES		
	DRUGS, VACCINES AND OTHER BIOLOGICALS		
	FROM GENERAL REVENUE FUND	18,766,469	
	FROM TOBACCO SETTLEMENT TRUST FUND		5,014,035
	FROM FEDERAL GRANTS TRUST FUND		74,038,355
586	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	4,611,904	
587	SPECIAL CATEGORIES		
	GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS		
	FROM FEDERAL GRANTS TRUST FUND		1,000,000
TOTAL:	STATEWIDE HEALTH SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	34,349,638	
	FROM TRUST FUNDS		98,663,723
	TOTAL POSITIONS	466	
	TOTAL ALL FUNDS		133,013,361

PROGRAM: CHILDREN'S MEDICAL SERVICES

From the funds in Specific Appropriation 589 through 610A, the Children's Medical Services Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards
OUTCOMES:	
1. Percent of families served with a positive evaluation of care.....	95.0%
Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

CHILDREN'S SPECIAL HEALTH CARE

The department shall certify as a health care provider in the Children's Medical Services Network all programs of any children's hospital owned or operated by the state, a county, or special district that is located in a county with a population greater than 1 million persons. The department shall issue said certification not later than 30 days after the receipt of written request from a children's hospital.

589	SALARIES AND BENEFITS	POSITIONS	759
	FROM GENERAL REVENUE FUND		19,155,416
	FROM TOBACCO SETTLEMENT TRUST FUND		460,097
	FROM DONATIONS TRUST FUND		7,425,967
	FROM FEDERAL GRANTS TRUST FUND		3,235,749
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		887,426
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,135,545

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590	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,854,361	
	FROM DONATIONS TRUST FUND		89,063
	FROM FEDERAL GRANTS TRUST FUND		388,687
591	EXPENSES		
	FROM GENERAL REVENUE FUND	2,426,242	
	FROM TOBACCO SETTLEMENT TRUST FUND		214,046
	FROM DONATIONS TRUST FUND		3,062,719
	FROM FEDERAL GRANTS TRUST FUND		4,025,122
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		201,423
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		548,013
592	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	56,970	
592A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE PROGRAM		
	FROM GENERAL REVENUE FUND	190,168	
593	SPECIAL CATEGORIES		
	CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM		
	FROM GENERAL REVENUE FUND	975,153	
	FROM TOBACCO SETTLEMENT TRUST FUND		350,000
594	SPECIAL CATEGORIES		
	REGIONAL GENETICS PROGRAM		
	FROM GENERAL REVENUE FUND	1,016,084	
	FROM DONATIONS TRUST FUND		194,926
595	SPECIAL CATEGORIES		
	SICKLE CELL EDUCATION AND SCREENING		
	FROM GENERAL REVENUE FUND	790,686	
	FROM TOBACCO SETTLEMENT TRUST FUND		250,000
596	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
597	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRIMARY CARE PROGRAM		
	FROM GENERAL REVENUE FUND	3,875,809	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,889,787
598	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	3,762,495	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,915,683
	FROM DONATIONS TRUST FUND		1,000,000
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		999,704
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		93,539

The recurring General Revenue Funds in Specific Appropriation 598 shall be allocated as follows:

Developmental Center for Infants and Children.....	250,000
Mailman Training Center.....	808,569
Joe Dimaggio Children's Hospital Pediatric	
Emergency Services.....	350,000
Echocardiography Telecommunications Network.....	500,000
Foundation for Dreams - Manatee County.....	80,000
Seizure Disorder Clinic - Statewide.....	250,000

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599	SPECIAL CATEGORIES MASTER CONTRACTS		
	FROM GENERAL REVENUE FUND	1,470,500	
	FROM TOBACCO SETTLEMENT TRUST FUND		3,492,649
	FROM DONATIONS TRUST FUND		500,000
600	SPECIAL CATEGORIES GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN		
	FROM GENERAL REVENUE FUND	602,673	
601	SPECIAL CATEGORIES KIDNEY DISEASE PROGRAM FOR CHILDREN		
	FROM GENERAL REVENUE FUND	813,077	
	FROM TOBACCO SETTLEMENT TRUST FUND		350,000
602	SPECIAL CATEGORIES CHILDREN'S MEDICAL SERVICES NETWORK		
	FROM DONATIONS TRUST FUND		199,828,945
603	SPECIAL CATEGORIES PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS		
	FROM GENERAL REVENUE FUND	98,172	
	FROM TOBACCO SETTLEMENT TRUST FUND		6,700,000
	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
604	SPECIAL CATEGORIES POISON CONTROL CENTER		
	FROM GENERAL REVENUE FUND	2,000,000	
	FROM DONATIONS TRUST FUND		1,795,564
604A	SPECIAL CATEGORIES RHEUMATIC FEVER		
	FROM GENERAL REVENUE FUND	78,409	
605	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	169,239	
	FROM DONATIONS TRUST FUND		37,115
605A	SPECIAL CATEGORIES PEDIATRIC LIVER TRANSPLANT PROGRAM		
	FROM GENERAL REVENUE FUND	500,441	
606	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		6,650,185

Funds in Specific Appropriation 606 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.

607	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

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From the funds in Specific Appropriation 607, the Department of Health, jointly with the Department of Education, is authorized to prepare a fourteenth 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 247. 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.

608	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		266,301
608A	SPECIAL CATEGORIES CHILDREN'S CARDIAC PROGRAM		
	FROM GENERAL REVENUE FUND	1,087,163	
609	SPECIAL CATEGORIES GRANTS AND AIDS - PEDIATRIC ACQUIRED IMMUNE DEFICIENCY SYNDROME NETWORK		
	FROM GENERAL REVENUE FUND	2,119,231	
610A	FIXED CAPITAL OUTLAY CONSTRUCTION, RENOVATION, EQUIPMENT - CHILDREN'S MEDICAL SERVICES FACILITIES		
	FROM FEDERAL GRANTS TRUST FUND		816,000

From the funds in Specific Appropriation 610A, \$816,000 in nonrecurring Federal Grants Trust Fund shall be allocated to the CMS Clinic in Alachua County.

TOTAL: CHILDREN'S SPECIAL HEALTH CARE		
FROM GENERAL REVENUE FUND	69,003,807	
FROM TRUST FUNDS		281,155,982
TOTAL POSITIONS	759	
TOTAL ALL FUNDS		350,159,789

PROGRAM: HEALTH CARE PRACTITIONER AND ACCESS

From the funds in Specific Appropriations 611 through 632A, 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	FY 2001-2002
Measures - Outcomes	Standards

OUTCOMES:	

1. Percent of health care practitioners' applications for	

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licensure completed within 90 days.....	100.0%	
2. Number of medical students who do a rotation in a		
medically underserved area.....	730	

Additional approved measures and standards are established in the FY		
2001-2002 Implementing Bill and are incorporated herein by reference.		
=====		

MEDICAL QUALITY ASSURANCE

611	SALARIES AND BENEFITS	POSITIONS	305	
	FROM GENERAL REVENUE FUND		81,558	
	FROM MEDICAL QUALITY ASSURANCE TRUST			
	FUND			11,119,564
612	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		7,280	
	FROM MEDICAL QUALITY ASSURANCE TRUST			
	FUND			2,925,866
613	EXPENSES			
	FROM GENERAL REVENUE FUND		36,979	
	FROM MEDICAL QUALITY ASSURANCE TRUST			
	FUND			12,930,668
614	OPERATING CAPITAL OUTLAY			
	FROM MEDICAL QUALITY ASSURANCE TRUST			
	FUND			29,239
615	SPECIAL CATEGORIES			
	EXAMINATION TESTING SERVICES FOR			
	PROFESSIONAL REGULATION			
	FROM MEDICAL QUALITY ASSURANCE TRUST			
	FUND			2,493,407
616	SPECIAL CATEGORIES			
	UNLICENSED ACTIVITIES			
	FROM MEDICAL QUALITY ASSURANCE TRUST			
	FUND			2,458,415
617	SPECIAL CATEGORIES			
	TRANSFER TO DIVISION OF ADMINISTRATIVE			
	HEARINGS			
	FROM MEDICAL QUALITY ASSURANCE TRUST			
	FUND			996,615
618	SPECIAL CATEGORIES			
	DEPARTMENTAL STAFF DEVELOPMENT AND			
	TRAINING			
	FROM MEDICAL QUALITY ASSURANCE TRUST			
	FUND			52,600
619	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM MEDICAL QUALITY ASSURANCE TRUST			
	FUND			25,435
619A	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		125,817	
	FROM TRUST FUNDS			33,156,196
	TOTAL POSITIONS		305	
	TOTAL ALL FUNDS			33,282,013

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COMMUNITY HEALTH RESOURCES

621	SALARIES AND BENEFITS	POSITIONS	136	
	FROM GENERAL REVENUE FUND		241,365	
	FROM TOBACCO SETTLEMENT TRUST FUND			41,273
	FROM EMERGENCY MEDICAL SERVICES TRUST			
	FUND			3,220,129
	FROM FEDERAL GRANTS TRUST FUND			154,159
	FROM GRANTS AND DONATIONS TRUST FUND			188,685
	FROM BRAIN AND SPINAL CORD INJURY			
	REHABILITATION TRUST FUND			2,177,409
622	OTHER PERSONAL SERVICES			
	FROM EMERGENCY MEDICAL SERVICES TRUST			
	FUND			159,583
623	EXPENSES			
	FROM GENERAL REVENUE FUND		9,854	
	FROM TOBACCO SETTLEMENT TRUST FUND			18,419
	FROM EMERGENCY MEDICAL SERVICES TRUST			
	FUND			1,702,193
	FROM FEDERAL GRANTS TRUST FUND			155,535
	FROM GRANTS AND DONATIONS TRUST FUND			41,440
	FROM BRAIN AND SPINAL CORD INJURY			
	REHABILITATION TRUST FUND			2,589
624	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - LOCAL HEALTH COUNCILS			
	FROM GRANTS AND DONATIONS TRUST FUND			1,650,000
625	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - EMERGENCY MEDICAL			
	SERVICES COUNTY GRANTS			
	FROM EMERGENCY MEDICAL SERVICES TRUST			
	FUND			3,274,049
626	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - EMERGENCY MEDICAL			
	SERVICES MATCHING GRANTS			
	FROM EMERGENCY MEDICAL SERVICES TRUST			
	FUND			3,310,330
	From the funds in Specific Appropriation 626, \$502,768 is provided			
	for an emergency medical services matching grant to the Plant City Fire			
	Department.			
627	OPERATING CAPITAL OUTLAY			
	FROM EMERGENCY MEDICAL SERVICES TRUST			
	FUND			1,932
627A	LUMP SUM			
	VOCATIONAL REHABILITATION PROGRAM			
	FROM BRAIN AND SPINAL CORD INJURY			
	REHABILITATION TRUST FUND			11,779,244
628	SPECIAL CATEGORIES			
	AREA HEALTH EDUCATION CENTERS			
	FROM GENERAL REVENUE FUND		3,354,612	
	FROM TOBACCO SETTLEMENT TRUST FUND			1,431,509
	FROM GRANTS AND DONATIONS TRUST FUND			7,322,789
628A	SPECIAL CATEGORIES			
	COMMUNITY HOSPITAL EDUCATION PROGRAM			
	FROM GENERAL REVENUE FUND		14,500,000	
629	SPECIAL CATEGORIES			
	GRANTS AND AIDS - RURAL HEALTH NETWORK			
	GRANTS			
	FROM GENERAL REVENUE FUND		500,000	
629A	SPECIAL CATEGORIES			
	GRANTS AND AIDS - SHANDS TEACHING HOSPITAL			
	FROM GENERAL REVENUE FUND		9,786,979	

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Funds in Specific Appropriation 629A continue funding from recurring general revenue to the Shands Teaching Hospital. These funds may be used as state matching funds for Shands' participation in the Special Medicaid Payment program, which provides payments to hospitals that provide enhanced services to low-income individuals. In the event that enhanced Medicaid funding is not implemented by the Agency for Health Care Administration, these funds shall remain appropriated to the Shands Teaching Hospital to continue the original purpose of providing health care services to indigents through Shands Healthcare.

Any Florida resident who is a student at, or graduate of, any of the four United States Military Academies who qualifies for assignment to the Medical Corps of the United States Military, shall be admitted to any Medical School in the State University System.

629B	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICES		
	FROM BRAIN AND SPINAL CORD INJURY		
	REHABILITATION TRUST FUND	1,500,000	
630	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM BRAIN AND SPINAL CORD INJURY		
	REHABILITATION TRUST FUND		881
631	SPECIAL CATEGORIES		
	GRANTS AND AIDS - TRAUMA CARE		
	FROM GENERAL REVENUE FUND	1,622,601	
	FROM EMERGENCY MEDICAL SERVICES TRUST		
	FUND		93,747
631A	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT		
	OF LABOR AND EMPLOYMENT SECURITY		
	FROM BRAIN AND SPINAL CORD INJURY		
	REHABILITATION TRUST FUND		75,703
632A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND		
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	RURAL HOSPITALS		
	FROM GENERAL REVENUE FUND	7,000,000	

Funds in Specific Appropriation 632A, from non-recurring General Revenue are 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.

Funds in Specific Appropriation 632A 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	37,015,411	
	FROM TRUST FUNDS		38,301,598
	TOTAL POSITIONS	136	
	TOTAL ALL FUNDS		75,317,009

PROGRAM: DISABILITY DETERMINATIONS

From the funds in Specific Appropriation 633 through 637, the Disability Determinations Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002	
Measures - Outcomes	Standards	

OUTCOMES:		

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1. Percent of disability determinations completed accurately	
as determined by the Social Security Administration.....94.1%	

Additional approved measures and standards are established in the FY	
2001-2002 Implementing Bill and are incorporated herein by reference.	

DISABILITY BENEFITS DETERMINATION

633	SALARIES AND BENEFITS	POSITIONS	909	
	FROM GENERAL REVENUE FUND		469,815	
	FROM ADMINISTRATIVE TRUST FUND			450,512
	FROM U.S. TRUST FUND			36,011,608
634	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND	183,500		
	FROM ADMINISTRATIVE TRUST FUND			183,500
	FROM U.S. TRUST FUND			8,000,000
635	EXPENSES			
	FROM GENERAL REVENUE FUND	283,792		
	FROM ADMINISTRATIVE TRUST FUND			289,792
	FROM U.S. TRUST FUND			28,673,852
636	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND	5,000		
	FROM ADMINISTRATIVE TRUST FUND			5,000
	FROM U.S. TRUST FUND			200,000
637	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND	2,125		
	FROM ADMINISTRATIVE TRUST FUND			2,126
	FROM U.S. TRUST FUND			89,721
TOTAL:	DISABILITY BENEFITS DETERMINATION			
	FROM GENERAL REVENUE FUND		944,232	
	FROM TRUST FUNDS			73,906,111
	TOTAL POSITIONS	909		
	TOTAL ALL FUNDS			74,850,343

VETERANS' AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriation 639 through 668, the Services to Veterans Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002	
Measures - Outcomes	Standards	

OUTCOMES:		

1. Occupancy rate for homes in operation for 2 years or longer..90%		
2. Percent increase (over baseline) in the number of		
veterans' complete "ready to rate" claims processed..... 4%		

Additional approved measures and standards are established in the FY		
2001-2002 Implementing Bill and are incorporated herein by reference.		

PROGRAM: SERVICES TO VETERANS' PROGRAM

VETERANS' HOMES

639	SALARIES AND BENEFITS	POSITIONS	351	
	FROM GENERAL REVENUE FUND		778,717	
	FROM OPERATIONS AND MAINTENANCE TRUST			
	FUND			10,035,390

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640	OTHER PERSONAL SERVICES FROM OPERATIONS AND MAINTENANCE TRUST FUND	449,153
641	EXPENSES FROM OPERATIONS AND MAINTENANCE TRUST FUND	8,709,998

From the funds in Specific Appropriation 641, the department shall evaluate the effectiveness of services outsourced in the Pembroke Pines Veterans' Home. A report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than March 1, 2002. The report shall address the implementation of the Pembroke Pines pilot program, a cost-benefit analysis, and results from the evaluation of the pilot program. The report shall also include recommendations regarding the Pembroke Pines pilot program.

642	OPERATING CAPITAL OUTLAY FROM OPERATIONS AND MAINTENANCE TRUST FUND	47,794
643	FOOD PRODUCTS FROM GENERAL REVENUE FUND FROM OPERATIONS AND MAINTENANCE TRUST FUND	135,947 1,089,639
644	SPECIAL CATEGORIES RECREATIONAL EQUIPMENT AND SUPPLIES FROM GRANTS AND DONATIONS TRUST FUND	31,000
645	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM OPERATIONS AND MAINTENANCE TRUST FUND	36,250 132,657
646	FIXED CAPITAL OUTLAY STATE NURSING HOME FOR VETERANS - NUMBER TWO - DMS MGD FROM GENERAL REVENUE FUND FROM FEDERAL GRANTS TRUST FUND	4,000,000 7,561,594

From the funds in Specific Appropriation 646, \$4,000,000 in nonrecurring 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 second 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 the final share of the federal participation in these projects.

647	FIXED CAPITAL OUTLAY LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE - DMS MGD FROM STATE HOMES FOR VETERANS TRUST FUND	1,200
648	FIXED CAPITAL OUTLAY DRAINAGE SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD FROM STATE HOMES FOR VETERANS TRUST FUND	5,200
649	FIXED CAPITAL OUTLAY PAVED SURFACE MAINTENANCE AND REPAIR STATEWIDE - DMS MGD FROM STATE HOMES FOR VETERANS TRUST FUND	18,000
650	FIXED CAPITAL OUTLAY EMERGENCY REPAIRS - DMS MGD FROM STATE HOMES FOR VETERANS TRUST FUND	250,000
651	FIXED CAPITAL OUTLAY ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD FROM STATE HOMES FOR VETERANS TRUST FUND	24,850

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652	FIXED CAPITAL OUTLAY BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE - DMS MGD FROM STATE HOMES FOR VETERANS TRUST FUND	28,000
653	FIXED CAPITAL OUTLAY BUILDING INTERIOR MAINTENANCE AND REPAIR STATEWIDE - DMS MGD FROM STATE HOMES FOR VETERANS TRUST FUND	294,922
654	FIXED CAPITAL OUTLAY MECHANICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD FROM STATE HOMES FOR VETERANS TRUST FUND	23,500
655	FIXED CAPITAL OUTLAY SPECIALIZED BUILDING EQUIPMENT MAINTENANCE AND REPAIR STATEWIDE - DMS MGD FROM STATE HOMES FOR VETERANS TRUST FUND	31,850
656	FIXED CAPITAL OUTLAY SECURITY FENCE - BRIDGE MAINTENANCE OFFICE - JACKSONVILLE (DISTRICT TWO) FROM STATE HOMES FOR VETERANS TRUST FUND	29,500
657	FIXED CAPITAL OUTLAY BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD FROM STATE HOMES FOR VETERANS TRUST FUND	35,000
TOTAL: VETERANS' HOMES		
	FROM GENERAL REVENUE FUND	4,950,914
	FROM TRUST FUNDS	28,799,247
	TOTAL POSITIONS	351
	TOTAL ALL FUNDS	33,750,161

VETERANS' CLAIMS

658	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	18 797,825
659	EXPENSES FROM GENERAL REVENUE FUND	19,233
660	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	8,367
TOTAL: VETERANS' CLAIMS		
	FROM GENERAL REVENUE FUND	825,425
	TOTAL POSITIONS	18
	TOTAL ALL FUNDS	825,425

VETERANS' FIELD SERVICES

661	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	41 1,918,191
662	EXPENSES FROM GENERAL REVENUE FUND	39,050
663	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	4,383
TOTAL: VETERANS' FIELD SERVICES		
	FROM GENERAL REVENUE FUND	1,961,624
	TOTAL POSITIONS	41
	TOTAL ALL FUNDS	1,961,624

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EXECUTIVE DIRECTION AND SUPPORT SERVICES

664	SALARIES AND BENEFITS	POSITIONS	43	
	FROM GENERAL REVENUE FUND		1,742,467	
	FROM FEDERAL GRANTS TRUST FUND			367,961
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			58,253
665	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		19,765	
666	EXPENSES			
	FROM GENERAL REVENUE FUND		547,869	
	FROM FEDERAL GRANTS TRUST FUND			78,417
	FROM FLORIDA WORLD WAR II VETERANS MEMORIAL MATCHING TRUST FUND			2,000,000
From the funds in Specific Appropriation 666, \$200,000 in nonrecurring General Revenue is provided for the Jacksonville Veterans' Homeless Employment and Training Program.				
667	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		53,302	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND			38,200
668	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		4,383	
	FROM FEDERAL GRANTS TRUST FUND			695
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES				
	FROM GENERAL REVENUE FUND		2,367,786	
	FROM TRUST FUNDS			2,543,526
	TOTAL POSITIONS		43	
	TOTAL ALL FUNDS			4,911,312
TOTAL OF SECTION 3				
	POSITIONS		32,546	
	FROM GENERAL REVENUE FUND		5220,680,405	
	FROM TRUST FUNDS			11765,331,190
	TOTAL ALL FUNDS			16986,011,595

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 as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

The agencies receiving appropriations from the Criminal Justice and Corrections section of this act must submit a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budget by November 1, 2001 detailing the following for FY 2000-01:

1. Number and percentage of employees who separate from the agency during the fiscal year (including the position numbers for vacated positions);
2. Total salaries and benefits lapse funding generated by vacancies that exceed the appropriated lapse;
3. Amount of salaries and benefits lapse funding spent from the salaries and benefits category for legislatively authorized bonuses and/or special pay increases;

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4. Amount of salaries and benefits lapse funding transferred to cover expenditures other than salaries and benefits, such as expense, OPS, etc., and an explanation why such expenditures were necessary; and
5. Management plan to reduce employee turnover and resulting vacancy rates for FY 02-03.

CORRECTIONS, DEPARTMENT OF

From the funds in Specific Appropriations 669 through 848, each provider contracting with the Department of Corrections must provide the department 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.

Subject to all applicable provisions of Chapter 216, F.S., the Department of Corrections may transfer funds, positions and salary rate among budget entities and programs within Specific Appropriations 669 through 848 if necessary to ensure public safety and avoid adversely affecting current employees due to the elimination of vacant positions and other approved reductions.

From the funds provided in specific appropriations 669 through 848, the Department of Corrections is authorized to implement a Close Management Consolidation Plan beginning July 1, 2001 and is authorized to utilize up to \$5,583,827 from appropriated funds in order to maximize access to appropriate health care and enhanced program activities for the close management population. Beginning October 1, 2001 and quarterly thereafter, the Department must provide reports to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budget detailing its progress in implementing the consolidation plan. At a minimum, these reports should include: (a) the number of additional positions filled, (b) the cost to date of implementing the plan, (c) the projected cost of implementing the plan for Fiscal Year 2001-2002, (d) the total projected operating expenditures for the Department of Corrections for Fiscal Year 2001-2002, and (e) the Department's plan to avoid incurring a deficit if the Department's total projected operating expenditures for Fiscal Year 2001-2002 exceed the amount appropriated.

From the funds in Specific Appropriations 669 through 788F, the Department of Corrections shall maintain accurate records related to motor vehicle inventory, vehicle maintenance, miles traveled, the number of inmates transported and all costs associated with inmate transportation. This information shall be reported semiannually to the House Fiscal Responsibility Council and the Senate Appropriations Committee and shall be sufficient to allow for the examination and evaluation of options to outsource inmate transportation services. These reports shall also include the status of actions taken by the department to correct deficiencies related to fleet management noted by the Auditor General in report number 01-065 and the Office of Program Policy Analysis and Government Accountability in report number 00-23.

PROGRAM: DEPARTMENT ADMINISTRATION

BUSINESS SERVICE CENTERS

669	SALARIES AND BENEFITS	POSITIONS	700
	FROM GENERAL REVENUE FUND		28,199,254

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	FROM GRANTS AND DONATIONS TRUST FUND . . .	134,538	
	FROM INMATE WELFARE TRUST FUND	1,558,658	
671	EXPENSES		
	FROM GENERAL REVENUE FUND	5,396,129	
	FROM INMATE WELFARE TRUST FUND		148,711
TOTAL:	BUSINESS SERVICE CENTERS		
	FROM GENERAL REVENUE FUND	33,595,383	
	FROM TRUST FUNDS		1,841,907
	TOTAL POSITIONS	700	
	TOTAL ALL FUNDS		35,437,290

EXECUTIVE DIRECTION AND SUPPORT SERVICES

672	SALARIES AND BENEFITS	POSITIONS	234	
	FROM GENERAL REVENUE FUND		8,151,682	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			78,725
	FROM GRANTS AND DONATIONS TRUST FUND . . .			573,491
	FROM OPERATING TRUST FUND			1,600,853
	FROM INMATE WELFARE TRUST FUND			228,525
673	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND	30,501		
	FROM GRANTS AND DONATIONS TRUST FUND . . .			40,000
674	EXPENSES			
	FROM GENERAL REVENUE FUND	3,573,086		
	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 provided in Specific Appropriation 674, the department must submit a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budgeting by September 1, 2001, detailing for FY 2000-01 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.

675	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND	27,928		
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			21,280
	FROM GRANTS AND DONATIONS TRUST FUND . . .			27,500
675A	LUMP SUM			
	CRITICAL MANAGEMENT AND ADMINISTRATIVE INFRASTRUCTURE - DEPARTMENT OF CORRECTIONS	POSITIONS	14	
	FROM GENERAL REVENUE FUND		1,114,627	

Funds in Specific Appropriation 675A are provided for critical administrative and management infrastructure needs. Prior to release of these funds, the Department of Corrections shall submit a plan to the Governor's Office of Policy and Budget, the House Fiscal Responsibility Council, the Senate Appropriations Committee, the Speaker of the House, the Senate President and the minority offices of the House and Senate to reduce administrative duplication and increase management efficiency. This plan must result in the reduction of at least seven FTE from Senior Management or Select Exempt Service. Funds in Specific Appropriation

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	675A may be released upon certification by the Legislative Budget Commission that the plan meets the intent of the Legislature that the department streamline its management structure and improve administrative efficiency.		
676	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND		7,591
676A	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		252,988
	The funds in Specific Appropriation 676A, from nonrecurring General Revenue are allocated as follows:		
	Homeless Assessment Referral and Tracking (CBIR 1512).....		252,988
677	SPECIAL CATEGORIES		
	OFFICE OF MANAGEMENT AND BUDGET LAW LIBRARY		
	FROM GENERAL REVENUE FUND		9,649
677A	SPECIAL CATEGORIES		
	TRANSFER TO GENERAL REVENUE FUND		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		24,000,000

The funds in Specific Appropriations 677A and 810 from the Grants and Donations Trust Fund are reimbursements from the United States Government for incarcerating aliens in Florida's prisons and are specifically appropriated as follows: \$24,000,000 is transferred to the General Revenue fund and \$2,000,000 is provided for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds. Funding for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds is contingent upon receipt of sufficient federal reimbursements for the incarceration of aliens above the \$24,000,000 transferred to General Revenue in Specific Appropriation 677A. If total reimbursements exceed \$26,000,000, the department shall submit a budget amendment in accordance with all applicable provisions of Chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue fund.

678	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		1,136,861
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	14,304,913	
	FROM TRUST FUNDS		27,764,544
	TOTAL POSITIONS	248	
	TOTAL ALL FUNDS		42,069,457

FLORIDA CORRECTIONS COMMISSION

From the funds in Specific Appropriations 678A and 678B, the Florida Corrections Commission shall conduct a review of the organizational and management structure of the Department of Juvenile Justice for the purpose of recommending efficiency improvements and opportunities to achieve savings. The Commission shall examine supervisory span-of-control, potential duplication of administrative functions, job classification of administrative and supervisory personnel, and any other areas identified by the Commission. The Commission shall report its findings, including recommendations to achieve savings and enhance administrative efficiency, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002.

678A	SALARIES AND BENEFITS	POSITIONS	4	
	FROM GENERAL REVENUE FUND		253,697	

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678B SPECIAL CATEGORIES			
FLORIDA CORRECTIONS COMMISSION			
FROM GENERAL REVENUE FUND	110,692		
TOTAL: FLORIDA CORRECTIONS COMMISSION			
FROM GENERAL REVENUE FUND	364,389		
TOTAL POSITIONS	4		
TOTAL ALL FUNDS		364,389	

INFORMATION TECHNOLOGY

679 SALARIES AND BENEFITS	POSITIONS	160	
FROM GENERAL REVENUE FUND		7,247,437	
679A EXPENSES			
FROM GENERAL REVENUE FUND		39,503	
TOTAL: INFORMATION TECHNOLOGY			
FROM GENERAL REVENUE FUND		7,286,940	
TOTAL POSITIONS	160		
TOTAL ALL FUNDS		7,286,940	

PROGRAM: SECURITY AND INSTITUTIONAL OPERATIONS

Funds provided in Specific Appropriations 696, 712, and 725 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 provided in Specific Appropriations 696 and 725, \$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.

Funds and FTE are provided in Specific Appropriations 681 through 788F to operate the correctional system at a capacity of 74,542 prison beds and to increase funding for variable expenses to accommodate an average projected daily population of 73,641 inmates. The funds and FTE in Specific Appropriations 685, 707A, and 776A are appropriated for the anticipated increase in the inmate population from January 1 through June 30, 2002 and are based on the projections of the Criminal Justice Estimating Conference of February 16, 2001. These funds and FTE shall be placed initially in reserve and may be released only if the actual prison population is substantially similar to the projections of the Criminal Justice Estimating Conference.

From the positions appropriated in Specific Appropriations 681, 704, 717, 730, and 743, the Executive Office of the Governor shall place a total of 280 FTE in EOG Reserve if a contract for outsourcing food services in the Department of Corrections is executed.

From the funds in Specific Appropriations 681 through 788F, the Security and Institutional Operations Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures - Outcomes	Standards

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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 2001-2002 Implementing Bill and are	
incorporated herein by reference.	
=====	=====

ADULT MALE CUSTODY OPERATIONS

681 SALARIES AND BENEFITS	POSITIONS	8,480	
FROM GENERAL REVENUE FUND		311,066,110	
FROM GRANTS AND DONATIONS TRUST FUND			259,278
FROM INMATE WELFARE TRUST FUND			3,856,634
681A OTHER PERSONAL SERVICES			
FROM GRANTS AND DONATIONS TRUST FUND			91,000
682 EXPENSES			
FROM GENERAL REVENUE FUND		19,268,634	
FROM GRANTS AND DONATIONS TRUST FUND			746,260
FROM INMATE WELFARE TRUST FUND			714,224

From the funds provided in Specific Appropriation 682, the Department of Corrections may spend up to \$400,000 from the General Revenue fund for a public awareness campaign describing penalties for "10-20-Life" offenses and other criminal offenses.

683 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		395,114	
FROM GRANTS AND DONATIONS TRUST FUND			2,100,000
FROM OPERATING TRUST FUND			279,000
FROM INMATE WELFARE TRUST FUND			767,953
684 FOOD PRODUCTS			
FROM GENERAL REVENUE FUND		32,019,824	
FROM GRANTS AND DONATIONS TRUST FUND			83,421
685 LUMP SUM			
CJEC INMATE POPULATION INCREASE			
POSITIONS	63		
FROM GENERAL REVENUE FUND		3,302,375	
687 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM GENERAL REVENUE FUND		420,258	
688 SPECIAL CATEGORIES			
FOOD SERVICE AND PRODUCTION			
FROM GENERAL REVENUE FUND		3,510,030	
FROM GRANTS AND DONATIONS TRUST FUND			118,172
689 SPECIAL CATEGORIES			
OVERTIME			
FROM GENERAL REVENUE FUND		3,039,857	
691 SPECIAL CATEGORIES			
RETURN OF PAROLE VIOLATORS			
FROM GENERAL REVENUE FUND		131,313	
692 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		13,251,285	
FROM GRANTS AND DONATIONS TRUST FUND			1,082,045
693 SPECIAL CATEGORIES			
SALARY INCENTIVE PAYMENTS			
FROM GENERAL REVENUE FUND		6,134,065	

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694	SPECIAL CATEGORIES STATE INSTITUTIONAL CLAIMS FROM GENERAL REVENUE FUND	2,000	
695	SPECIAL CATEGORIES TUITION PAYMENTS FROM GENERAL REVENUE FUND	355,360	
696	SPECIAL CATEGORIES PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION FROM GENERAL REVENUE FUND FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND	50,523,924	1,007,295
697	FINANCIAL ASSISTANCE PAYMENTS DISCHARGE AND TRAVEL PAY FROM GENERAL REVENUE FUND	858,996	
698A	FIXED CAPITAL OUTLAY CONTRACTED CORRECTIONAL INSTITUTIONS - LEASE PURCHASE FROM GENERAL REVENUE FUND	4,305,123	
699	FIXED CAPITAL OUTLAY CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE FROM GENERAL REVENUE FUND	8,024,963	
TOTAL:	ADULT MALE CUSTODY OPERATIONS FROM GENERAL REVENUE FUND FROM TRUST FUNDS	456,609,231	11,105,282
	TOTAL POSITIONS	8,543	
	TOTAL ALL FUNDS	467,714,513	
ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS			
704	SALARIES AND BENEFITS POSITIONS 534 FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . . FROM INMATE WELFARE TRUST FUND	20,404,972	93,510 227,825
704A	OTHER PERSONAL SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . .		232,884
705	EXPENSES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . . FROM INMATE WELFARE TRUST FUND	1,644,897	50,703 43,286
707	FOOD PRODUCTS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	1,951,892	15,841
707A	LUMP SUM CJEC INMATE POPULATION INCREASE POSITIONS 18 FROM GENERAL REVENUE FUND	412,789	
708	SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	128,536	22,509
709	SPECIAL CATEGORIES OVERTIME FROM GENERAL REVENUE FUND	169,441	
710	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	386,957	

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712	SPECIAL CATEGORIES PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION FROM GENERAL REVENUE FUND FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND	16,276,537	448,269
713	FINANCIAL ASSISTANCE PAYMENTS DISCHARGE AND TRAVEL PAY FROM GENERAL REVENUE FUND	92,816	
715	FIXED CAPITAL OUTLAY CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE FROM GENERAL REVENUE FUND	1,622,935	
TOTAL:	ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS FROM GENERAL REVENUE FUND FROM TRUST FUNDS	43,091,772	1,134,827
	TOTAL POSITIONS	552	
	TOTAL ALL FUNDS	44,226,599	
MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS			
717	SALARIES AND BENEFITS POSITIONS 810 FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . . FROM INMATE WELFARE TRUST FUND	32,534,414	285,976 396,415
718	EXPENSES FROM GENERAL REVENUE FUND FROM INMATE WELFARE TRUST FUND	2,310,524	86,572
719	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	24,000	500,000
720	FOOD PRODUCTS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	2,744,480	483,667
721	SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	217,664	191,046
722	SPECIAL CATEGORIES OVERTIME FROM GENERAL REVENUE FUND	287,737	
723	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	856,563	
725	SPECIAL CATEGORIES PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION FROM GENERAL REVENUE FUND FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND	9,507,898	158,486
726	FINANCIAL ASSISTANCE PAYMENTS DISCHARGE AND TRAVEL PAY FROM GENERAL REVENUE FUND	82,569	
728	FIXED CAPITAL OUTLAY CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE FROM GENERAL REVENUE FUND	949,666	

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TOTAL: MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS			
FROM GENERAL REVENUE FUND	49,515,515		
FROM TRUST FUNDS		2,102,162	
TOTAL POSITIONS	810		
TOTAL ALL FUNDS		51,617,677	

SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS			
730	SALARIES AND BENEFITS	POSITIONS	4,345
	FROM GENERAL REVENUE FUND		174,460,781
	FROM OPERATING TRUST FUND		152,561
	FROM INMATE WELFARE TRUST FUND		1,826,442
731	EXPENSES		
	FROM GENERAL REVENUE FUND		13,417,877
	FROM OPERATING TRUST FUND		13,157
	FROM INMATE WELFARE TRUST FUND		86,572
733	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND		14,511,405
734	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND		1,416,828
735	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND		1,527,756
736	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		2,390,776
738	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND		106,844
TOTAL: SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS			
FROM GENERAL REVENUE FUND	207,832,267		
FROM TRUST FUNDS		2,078,732	
TOTAL POSITIONS	4,345		
TOTAL ALL FUNDS		209,910,999	

RECEPTION CENTER OPERATIONS			
743	SALARIES AND BENEFITS	POSITIONS	1,465
	FROM GENERAL REVENUE FUND		59,860,983
	FROM GRANTS AND DONATIONS TRUST FUND		48,899
	FROM INMATE WELFARE TRUST FUND		719,398
744	EXPENSES		
	FROM GENERAL REVENUE FUND		4,094,981
	FROM GRANTS AND DONATIONS TRUST FUND		31,090
	FROM INMATE WELFARE TRUST FUND		43,286
745	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND		250,000
746	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND		4,724,919
	FROM GRANTS AND DONATIONS TRUST FUND		32,449
748	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND		370,703
	FROM GRANTS AND DONATIONS TRUST FUND		46,893
749	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND		514,239

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750	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		1,738,775
751	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND		102,840
TOTAL: RECEPTION CENTER OPERATIONS			
FROM GENERAL REVENUE FUND		71,407,440	
FROM TRUST FUNDS			1,172,015
TOTAL POSITIONS		1,465	
TOTAL ALL FUNDS			72,579,455
PUBLIC SERVICE WORKSQUADS AND WORK RELEASE			
TRANSITION			
755	SALARIES AND BENEFITS	POSITIONS	909
	FROM GENERAL REVENUE FUND		21,809,976
	FROM CORRECTIONAL WORK PROGRAM TRUST		
	FUND		12,680,429
	FROM GRANTS AND DONATIONS TRUST FUND		37,069
	FROM INMATE WELFARE TRUST FUND		78,839
756	EXPENSES		
	FROM GENERAL REVENUE FUND		3,159,715
	FROM CORRECTIONAL WORK PROGRAM TRUST		
	FUND		1,467,880
	FROM GRANTS AND DONATIONS TRUST FUND		32,776
	FROM INMATE WELFARE TRUST FUND		118,383
757	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		113,907
758	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND		1,235,487
759	LUMP SUM		
	CORRECTIONAL WORK PROGRAMS		
		POSITIONS	27
	FROM CORRECTIONAL WORK PROGRAM TRUST		
	FUND		3,146,499

The funds and positions in Specific Appropriation 759 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).

760	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CORRECTIONAL WORK PROGRAM TRUST		
	FUND		2,193,000
761	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND		504,143
	FROM FLORIDA AGRICULTURAL EXPOSITION		
	TRUST FUND		87,962
762	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND		340,970
763	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		1,772,501
	FROM CORRECTIONAL WORK PROGRAM TRUST		
	FUND		124,926
TOTAL: PUBLIC SERVICE WORKSQUADS AND WORK RELEASE			
TRANSITION			

SECTION 4			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND	28,936,699	
	FROM TRUST FUNDS		19,967,763
	TOTAL POSITIONS	936	
	TOTAL ALL FUNDS		48,904,462
ROAD PRISON OPERATIONS			
765	SALARIES AND BENEFITS POSITIONS	98	
	FROM CORRECTIONAL WORK PROGRAM TRUST		4,498,558
766	EXPENSES		
	FROM CORRECTIONAL WORK PROGRAM TRUST		908,000
767	FOOD PRODUCTS		
	FROM CORRECTIONAL WORK PROGRAM TRUST		543,729
768	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CORRECTIONAL WORK PROGRAM TRUST		122,500
769	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM CORRECTIONAL WORK PROGRAM TRUST		53,567
770	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	107,641	
771	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	31,039	
TOTAL: ROAD PRISON OPERATIONS			
	FROM GENERAL REVENUE FUND	138,680	
	FROM TRUST FUNDS		6,126,354
	TOTAL POSITIONS	98	
	TOTAL ALL FUNDS		6,265,034
OFFENDER MANAGEMENT AND CONTROL			
773	SALARIES AND BENEFITS POSITIONS	1,305	
	FROM GENERAL REVENUE FUND	49,419,394	
	FROM CORRECTIONAL WORK PROGRAM TRUST		
	FUND		92,026
774	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	76,454	
775	EXPENSES		
	FROM GENERAL REVENUE FUND	2,069,841	
	FROM CORRECTIONAL WORK PROGRAM TRUST		
	FUND		13,959
	FROM INMATE WELFARE TRUST FUND		97,073
776	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	38,906	
776A	LUMP SUM		
	CJEC INMATE POPULATION INCREASE		
	POSITIONS	2	
	FROM GENERAL REVENUE FUND	61,656	
777	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,489,496	

SECTION 4			
SPECIFIC			
APPROPRIATION			
TOTAL: OFFENDER MANAGEMENT AND CONTROL			
	FROM GENERAL REVENUE FUND	53,155,747	
	FROM TRUST FUNDS		203,058
	TOTAL POSITIONS	1,307	
	TOTAL ALL FUNDS		53,358,805
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
778	SALARIES AND BENEFITS POSITIONS	230	
	FROM GENERAL REVENUE FUND	9,137,729	
	FROM CORRECTIONAL WORK PROGRAM TRUST		
	FUND		35,922
779	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	50,970	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,000
	FROM INMATE WELFARE TRUST FUND		815,828
780	EXPENSES		
	FROM GENERAL REVENUE FUND	5,614,316	
	FROM CORRECTIONAL WORK PROGRAM TRUST		
	FUND		5,952
	FROM GRANTS AND DONATIONS TRUST FUND . . .		351,785
From the funds in Specific Appropriation 780, \$1,000,000 from General Revenue is provided to implement a victim notification system (VINE). The department shall issue a request for proposals for the system by September 1, 2001.			
781	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	308,200	
782	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CORRECTIONAL WORK PROGRAM TRUST		
	FUND		122,500
783	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	297,899	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	15,409,114	
	FROM TRUST FUNDS		1,406,987
	TOTAL POSITIONS	230	
	TOTAL ALL FUNDS		16,816,101
CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR			
784	SALARIES AND BENEFITS POSITIONS	465	
	FROM GENERAL REVENUE FUND	19,429,908	
785	EXPENSES		
	FROM GENERAL REVENUE FUND	51,849,058	
786	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	585,513	
787	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	131,028	
788	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	475,000	
TOTAL: CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR			
	FROM GENERAL REVENUE FUND	72,470,507	

SECTION 4			
SPECIFIC			
APPROPRIATION			
	TOTAL POSITIONS	465	
	TOTAL ALL FUNDS		72,470,507
INFORMATION TECHNOLOGY			
788A	SALARIES AND BENEFITS	POSITIONS 21	
	FROM GENERAL REVENUE FUND	1,137,546	
788B	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
788C	EXPENSES		
	FROM GENERAL REVENUE FUND	6,688,639	
788D	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	964,920	
	FROM INMATE WELFARE TRUST FUND		534,323
788E	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF		
	MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND	226,334	
788F	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	9,266,794	
	FROM TRUST FUNDS		925,000
	TOTAL POSITIONS	21	
	TOTAL ALL FUNDS		10,191,794

PROGRAM: COMMUNITY CORRECTIONS

From the funds in Specific Appropriations 790 through 818, the Community Corrections Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number/percentage of offenders who abscond within 2 years.....	3,450/4.0%
Number/percentage of offenders who had their supervision revoked within two years.....	35,656/42.0%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

PROBATION SUPERVISION

790	SALARIES AND BENEFITS	POSITIONS 2,225	
	FROM GENERAL REVENUE FUND	97,064,112	
	FROM GRANTS AND DONATIONS TRUST FUND		192,730
	FROM INMATE WELFARE TRUST FUND		1,219
791	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	49,138	
792	EXPENSES		
	FROM GENERAL REVENUE FUND	8,501,383	
	FROM GRANTS AND DONATIONS TRUST FUND		14,108
	FROM OPERATING TRUST FUND		2,238,167

SECTION 4			
SPECIFIC			
APPROPRIATION			
793	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	88,877	
	FROM OPERATING TRUST FUND		284,640
794	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	851,161	
795	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	128,010	
TOTAL:	PROBATION SUPERVISION		
	FROM GENERAL REVENUE FUND	106,682,681	
	FROM TRUST FUNDS		2,730,864
	TOTAL POSITIONS	2,225	
	TOTAL ALL FUNDS		109,413,545
DRUG OFFENDER PROBATION SUPERVISION			
796	SALARIES AND BENEFITS	POSITIONS 585	
	FROM GENERAL REVENUE FUND	26,406,302	
797	EXPENSES		
	FROM GENERAL REVENUE FUND	3,868,406	
	FROM OPERATING TRUST FUND		656,946
798	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	21,370	
799	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	238,579	
TOTAL:	DRUG OFFENDER PROBATION SUPERVISION		
	FROM GENERAL REVENUE FUND	30,534,657	
	FROM TRUST FUNDS		656,946
	TOTAL POSITIONS	585	
	TOTAL ALL FUNDS		31,191,603

PRE TRIAL INTERVENTION SUPERVISION

799A	SALARIES AND BENEFITS	POSITIONS 123	
	FROM GENERAL REVENUE FUND	4,118,814	
799B	EXPENSES		
	FROM GENERAL REVENUE FUND	268,997	
TOTAL:	PRE TRIAL INTERVENTION SUPERVISION		
	FROM GENERAL REVENUE FUND	4,387,811	
	TOTAL POSITIONS	123	
	TOTAL ALL FUNDS		4,387,811

COMMUNITY CONTROL SUPERVISION

800	SALARIES AND BENEFITS	POSITIONS 506	
	FROM GENERAL REVENUE FUND	23,153,141	
	FROM GRANTS AND DONATIONS TRUST FUND		699,734
801	EXPENSES		
	FROM GENERAL REVENUE FUND	2,154,827	
	FROM GRANTS AND DONATIONS TRUST FUND		120,117
	FROM OPERATING TRUST FUND		681,593
802	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	273,150	

SECTION 4			
SPECIFIC			
APPROPRIATION			
803	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,030
804	SPECIAL CATEGORIES		
	ELECTRONIC MONITORING		
	FROM GENERAL REVENUE FUND	2,349,375	
	FROM OPERATING TRUST FUND		114,700
TOTAL: COMMUNITY CONTROL SUPERVISION			
	FROM GENERAL REVENUE FUND	27,930,493	
	FROM TRUST FUNDS		1,646,174
	TOTAL POSITIONS	506	
	TOTAL ALL FUNDS		29,576,667
POST PRISON RELEASE SUPERVISION			
805	SALARIES AND BENEFITS	POSITIONS	310
	FROM GENERAL REVENUE FUND		12,207,279
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,367,994
806	EXPENSES		
	FROM GENERAL REVENUE FUND	2,522,459	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		212,243
	FROM OPERATING TRUST FUND		109,017
806A	SPECIAL CATEGORIES		
	LOCAL COMMUNITY CORRECTIONS PROJECT		
	FROM GENERAL REVENUE FUND	650,000	
The funds in Specific Appropriation 806A, from recurring General Revenue are allocated as follows:			
	Community Re-Entry Program (CBIR 1896).....	250,000	
	L.A.P. "Life After Prison" (CBIR 481).....	300,000	
	C.O.U.R.T. Project/Cottages in the Pines (CBIR 828).....	100,000	
807	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	43,689	
TOTAL: POST PRISON RELEASE SUPERVISION			
	FROM GENERAL REVENUE FUND	15,423,427	
	FROM TRUST FUNDS		2,689,254
	TOTAL POSITIONS	310	
	TOTAL ALL FUNDS		18,112,681
ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES			
808	EXPENSES		
	FROM GENERAL REVENUE FUND	5,639,534	
	FROM INMATE WELFARE TRUST FUND		150,000
809	LUMP SUM		
	INVOLUNTARY CIVIL COMMITMENT FOR SEXUALLY VIOLENT PREDATORS' TREATMENT AND CARE		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,500,000
809A	SPECIAL CATEGORIES		
	LOCAL COMMUNITY CORRECTIONS PROJECT		
	FROM GENERAL REVENUE FUND	1,490,000	
The funds in Specific Appropriation 809A, from recurring General Revenue are allocated as follows:			
	Seminole County Drug Abuse Services (CBIR 402).....	200,000	
	Bridges of America.....	500,000	
	Freedom House (CBIR 793).....	400,000	
	Bridges of America Post-Release Transitional Housing Program.....	390,000	

SECTION 4			
SPECIFIC			
APPROPRIATION			
810	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
The funds in Specific Appropriations 677A and 810 from the Grants and Donations Trust Fund are reimbursements from the United States Government for incarcerating aliens in Florida's prisons and are specifically appropriated as follows: \$24,000,000 is transferred to the General Revenue fund and \$2,000,000 is for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds. Funding for the operation of secure and non-secure drug treatment beds or post-release transitional housing beds is contingent upon receipt of sufficient federal reimbursements for the incarceration of aliens above the \$24,000,000 transferred to General Revenue in Specific Appropriation 677A. If total reimbursements exceed \$26,000,000, the department shall submit a budget amendment in accordance with all applicable provisions of Chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue fund.			
From the funds in Specific Appropriation 810, up to \$600,000 may be used to contract with the Bridges of America facility in St. Petersburg for up to 75 substance abuse treatment beds provided that there is no negative impact on other contract providers or the availability of services in other areas of the state. The department may utilize its authority pursuant to Chapter 216, Florida Statutes, to transfer funds, if necessary to avoid negatively impacting other providers or areas of the state, if it chooses to exercise the authority granted in this paragraph.			
TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES			
	FROM GENERAL REVENUE FUND	29,723,022	
	FROM TRUST FUNDS		3,650,000
	TOTAL ALL FUNDS		33,373,022
OFFENDER MANAGEMENT AND CONTROL			
811	SALARIES AND BENEFITS	POSITIONS	37
	FROM GENERAL REVENUE FUND		869,266
812	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,545	
813	EXPENSES		
	FROM GENERAL REVENUE FUND	383,437	
TOTAL: OFFENDER MANAGEMENT AND CONTROL			
	FROM GENERAL REVENUE FUND	1,273,248	
	TOTAL POSITIONS	37	
	TOTAL ALL FUNDS		1,273,248
INFORMATION TECHNOLOGY			
813A	SALARIES AND BENEFITS	POSITIONS	20
	FROM GENERAL REVENUE FUND		1,016,812
813B	EXPENSES		
	FROM GENERAL REVENUE FUND	2,785,093	
	FROM OPERATING TRUST FUND		424,010
813C	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,393,709	
	FROM OPERATING TRUST FUND		519,737
	FROM SALE OF GOODS AND SERVICES CLEARING TRUST FUND		1,402,763
813D	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM OPERATING TRUST FUND		244,901

SECTION 4			
SPECIFIC			
APPROPRIATION			
TOTAL: INFORMATION TECHNOLOGY			
	FROM GENERAL REVENUE FUND	5,195,614	
	FROM TRUST FUNDS		2,591,411
	TOTAL POSITIONS	20	
	TOTAL ALL FUNDS		7,787,025

COMMUNITY FACILITY OPERATIONS

815	SALARIES AND BENEFITS	POSITIONS	109	
	FROM GENERAL REVENUE FUND		1,395,327	
	FROM OPERATING TRUST FUND			3,616,415
816	EXPENSES			
	FROM GENERAL REVENUE FUND		1,125,432	
817	FOOD PRODUCTS			
	FROM GENERAL REVENUE FUND		336,437	
817A	SPECIAL CATEGORIES			
	LOCAL COMMUNITY CORRECTIONS PROJECT			
	FROM GENERAL REVENUE FUND		500,000	
The funds in Specific Appropriation 817A, from recurring General Revenue are allocated as follows:				
	Jail Diversion Initiative-Volusia/Flagler Cnty (CBIR 470)...		500,000	
818	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		45,788	
TOTAL: COMMUNITY FACILITY OPERATIONS				
	FROM GENERAL REVENUE FUND		3,402,984	
	FROM TRUST FUNDS			3,616,415
	TOTAL POSITIONS		109	
	TOTAL ALL FUNDS			7,019,399

PROGRAM: HEALTH SERVICES

Funds and FTE are provided in Specific Appropriations 819 through 832 to provide inmate health services in the correctional system at a capacity of 74,542 prison beds and to increase funding for health care services to accommodate an average projected daily population of 73,641 inmates.

From the funds in Specific Appropriations 819 through 832, the Health Services Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards
Percentage of health care grievances upheld.....	1.4%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

INMATE HEALTH SERVICES

819	SALARIES AND BENEFITS	POSITIONS	1,947	
	FROM GENERAL REVENUE FUND		94,108,550	
820	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		1,637,743	

SECTION 4			
SPECIFIC			
APPROPRIATION			
821	EXPENSES		
	FROM GENERAL REVENUE FUND		7,224,382
822	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		276,921
822A	LUMP SUM		
	CJEC INMATE POPULATION INCREASE	POSITIONS	3
	FROM GENERAL REVENUE FUND		1,325,062
The funds in Specific Appropriation 822A are appropriated for the anticipated increase in the inmate population from January 1 through June 30, 2002 and are based on the projections of the Criminal Justice Estimating Conference of February 16, 2001. These funds shall be placed initially in reserve and may be released only if the actual prison population is substantially similar to the projections of the Criminal Justice Estimating Conference.			
823	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		2,243,208
824	SPECIAL CATEGORIES		
	INMATE HEALTH SERVICES		
	FROM GENERAL REVENUE FUND		80,376,764
825	SPECIAL CATEGORIES		
	TREATMENT OF INMATES - GENERAL DRUGS		
	FROM GENERAL REVENUE FUND		16,099,398
826	SPECIAL CATEGORIES		
	TREATMENT OF INMATES - PSYCHOTROPIC DRUGS		
	FROM GENERAL REVENUE FUND		9,918,987
TOTAL: INMATE HEALTH SERVICES			
	FROM GENERAL REVENUE FUND		213,211,015
	TOTAL POSITIONS		1,950
	TOTAL ALL FUNDS		213,211,015

TREATMENT OF INMATES WITH INFECTIOUS DISEASES

827	SALARIES AND BENEFITS	POSITIONS	9	
	FROM GENERAL REVENUE FUND		83,592	
	FROM GRANTS AND DONATIONS TRUST FUND			274,755
828	OTHER PERSONAL SERVICES			
	FROM GRANTS AND DONATIONS TRUST FUND			184,207
829	EXPENSES			
	FROM GENERAL REVENUE FUND		200,000	
	FROM GRANTS AND DONATIONS TRUST FUND			562,725
830	OPERATING CAPITAL OUTLAY			
	FROM GRANTS AND DONATIONS TRUST FUND			27,019
831	SPECIAL CATEGORIES			
	INMATE HEALTH SERVICES			
	FROM GENERAL REVENUE FUND		5,252,405	
832	SPECIAL CATEGORIES			
	TREATMENT OF INMATES - INFECTIOUS DISEASE DRUGS			
	FROM GENERAL REVENUE FUND		27,966,581	
TOTAL: TREATMENT OF INMATES WITH INFECTIOUS DISEASES				
	FROM GENERAL REVENUE FUND		33,502,578	
	FROM TRUST FUNDS			1,048,706
	TOTAL POSITIONS		9	
	TOTAL ALL FUNDS			34,551,284

SECTION 4
SPECIFIC
APPROPRIATION
PROGRAM: EDUCATION AND PROGRAMS

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND
TREATMENT SERVICES

From the funds in Specific Appropriations 833 through 848, the Education and Rehabilitation Program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of inmates who successfully complete GED Education Programs	11.0%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

833	SALARIES AND BENEFITS	POSITIONS	36	
	FROM GENERAL REVENUE FUND		630,158	
	FROM GRANTS AND DONATIONS TRUST FUND			966,454
834	OTHER PERSONAL SERVICES			188,561
	FROM GRANTS AND DONATIONS TRUST FUND			
835	EXPENSES		46,621	622,865
	FROM GENERAL REVENUE FUND			
	FROM GRANTS AND DONATIONS TRUST FUND			
836	OPERATING CAPITAL OUTLAY			73,600
	FROM GRANTS AND DONATIONS TRUST FUND			
837	SPECIAL CATEGORIES			
	CONTRACT DRUG ABUSE SERVICES			
	FROM GENERAL REVENUE FUND		7,344,839	
	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		8,021,618	7,569,633
	FROM GENERAL REVENUE FUND			
	FROM TRUST FUNDS			
	TOTAL POSITIONS		36	
	TOTAL ALL FUNDS			15,591,251

BASIC EDUCATION SKILLS

838	SALARIES AND BENEFITS	POSITIONS	607	
	FROM GENERAL REVENUE FUND		15,794,101	
	FROM GRANTS AND DONATIONS TRUST FUND			2,118,016
	FROM INMATE WELFARE TRUST FUND			7,132,233
839	OTHER PERSONAL SERVICES			2,169,812
	FROM GRANTS AND DONATIONS TRUST FUND		666,172	
	FROM INMATE WELFARE TRUST FUND			
840	EXPENSES		568,306	4,298,098
	FROM GENERAL REVENUE FUND			
	FROM GRANTS AND DONATIONS TRUST FUND			2,134,581
	FROM INMATE WELFARE TRUST FUND			4,298,098
841	OPERATING CAPITAL OUTLAY			469,386
	FROM GENERAL REVENUE FUND		3,093	
	FROM GRANTS AND DONATIONS TRUST FUND			

SECTION 4
SPECIFIC
APPROPRIATION

842	SPECIAL CATEGORIES			
	GRANTS AND AIDS - EVEN START FAMILY LITERACY PROJECT			
	FROM GRANTS AND DONATIONS TRUST FUND			494,974
843	SPECIAL CATEGORIES			
	MAJOR INSTITUTIONS LAW LIBRARY			
	FROM GENERAL REVENUE FUND			69,229
844	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND			135,745
TOTAL:	BASIC EDUCATION SKILLS			
	FROM GENERAL REVENUE FUND			16,570,474
	FROM TRUST FUNDS			19,483,272
	TOTAL POSITIONS		607	
	TOTAL ALL FUNDS			36,053,746

ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT

845	SALARIES AND BENEFITS	POSITIONS	214	
	FROM GENERAL REVENUE FUND		5,343,502	
	FROM GRANTS AND DONATIONS TRUST FUND			268,818
	FROM INMATE WELFARE TRUST FUND			2,661,964
846	OTHER PERSONAL SERVICES			202,544
	FROM INMATE WELFARE TRUST FUND			
847	EXPENSES		1,954,802	634,228
	FROM GENERAL REVENUE FUND			
	FROM GRANTS AND DONATIONS TRUST FUND			634,228
	FROM INMATE WELFARE TRUST FUND			761,178
848	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND			36,084
TOTAL:	ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT		7,334,388	4,528,732
	FROM GENERAL REVENUE FUND			
	FROM TRUST FUNDS			
	TOTAL POSITIONS		214	
	TOTAL ALL FUNDS			11,863,120

JUSTICE ADMINISTRATION

PROGRAM: JUSTICE ADMINISTRATIVE COMMISSION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

849	SALARIES AND BENEFITS	POSITIONS	32	
	FROM GENERAL REVENUE FUND		1,317,623	
	FROM GRANTS AND DONATIONS TRUST FUND			29,920
850	OTHER PERSONAL SERVICES			20,600
	FROM GENERAL REVENUE FUND			
851	EXPENSES		260,019	4,825
	FROM GENERAL REVENUE FUND			
	FROM GRANTS AND DONATIONS TRUST FUND			
852	OPERATING CAPITAL OUTLAY			16,354
	FROM GENERAL REVENUE FUND			
853	LUMP SUM			
	STATE ATTORNEY, PUBLIC DEFENDER CONTRACT/ GRANT POSITIONS			
		POSITIONS	60	

SECTION 4
SPECIFIC
APPROPRIATION

The positions in Specific Appropriation 853 are provided for State Attorneys and Public Defenders to utilize with grants received during the 2001-2002 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 Appropriations 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.

854	LUMP SUM REPLACEMENT OF INFORMATION TECHNOLOGY EQUIPMENT FROM GENERAL REVENUE FUND	138,000	
855	SPECIAL CATEGORIES SEXUAL PREDATOR CIVIL COMMITMENT LITIGATION COSTS FROM GENERAL REVENUE FUND	1,079,194	
	Funds in Specific Appropriation 855 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 Appropriations 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.		
856	SPECIAL CATEGORIES DEPENDENCY COUNSEL FROM GENERAL REVENUE FUND	3,500,000	
857	SPECIAL CATEGORIES CONTRACT WITH DEPARTMENT OF MANAGEMENT SERVICES FOR COPEs FROM GENERAL REVENUE FUND	90,125	
858	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	12,174	
859	SPECIAL CATEGORIES STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT FROM GENERAL REVENUE FUND	133,840	
860	SPECIAL CATEGORIES STATE ATTORNEY AND PUBLIC DEFENDER TRAINING FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	35,000 125,000	
861	SPECIAL CATEGORIES TRANSFER TO THE DEPARTMENT OF BANKING AND FINANCE FOR THE POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS FROM GENERAL REVENUE FUND	1,000,000	
861A	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	10,000	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND FROM TRUST FUNDS	7,612,929 159,745	

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL POSITIONS	92	
TOTAL ALL FUNDS		7,772,674

STATE ATTORNEYS

The Prosecution Coordination Office's budgeting, training, and education needs may be shared by each State Attorney's office within the funds provided in Specific Appropriations 862 through 1003. Funding for this office shall not exceed \$338,250.

PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT

862	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	POSITIONS 197 9,354,836	336,798
863	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	17,213	
865A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		60,000
865B	SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND	382,215 59,357 501,352	
866	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	34,148	
867	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	9,998	
TOTAL:	PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT FROM GENERAL REVENUE FUND FROM TRUST FUNDS	9,798,410	957,507
	TOTAL POSITIONS	197	10,755,917
	TOTAL ALL FUNDS		

PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT

869	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	POSITIONS 114 5,497,653	316,808
870	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	18,386	141,480
872A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GRANTS AND DONATIONS TRUST FUND		60,000
872B	SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	281,535	266,477
873	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	45,472	
874	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	8,195	

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL: PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT
 FROM GENERAL REVENUE FUND 5,851,241
 FROM TRUST FUNDS 784,765

 TOTAL POSITIONS 114
 TOTAL ALL FUNDS 6,636,006

PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT

876 SALARIES AND BENEFITS POSITIONS 63
 FROM GENERAL REVENUE FUND 3,135,911
 FROM GRANTS AND DONATIONS TRUST FUND 114,146

 877 OTHER PERSONAL SERVICES
 FROM GENERAL REVENUE FUND 2,605
 FROM GRANTS AND DONATIONS TRUST FUND 11,440

 879A SPECIAL CATEGORIES
 ACQUISITION OF MOTOR VEHICLES
 FROM GRANTS AND DONATIONS TRUST FUND 80,000

 879B SPECIAL CATEGORIES
 STATE ATTORNEY OPERATING EXPENDITURES
 FROM GENERAL REVENUE FUND 224,763
 FROM CIVIL RICO TRUST FUND 11,946
 FROM GRANTS AND DONATIONS TRUST FUND 127,783

 880 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 15,861

 881 SPECIAL CATEGORIES
 SALARY INCENTIVE PAYMENTS
 FROM GENERAL REVENUE FUND 6,110

 TOTAL: PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT
 FROM GENERAL REVENUE FUND 3,385,250
 FROM TRUST FUNDS 345,315

 TOTAL POSITIONS 63
 TOTAL ALL FUNDS 3,730,565

PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT

883 SALARIES AND BENEFITS POSITIONS 345
 FROM GENERAL REVENUE FUND 15,675,775
 FROM GRANTS AND DONATIONS TRUST FUND 961,474

 884 OTHER PERSONAL SERVICES
 FROM GENERAL REVENUE FUND 147,500
 FROM FORFEITURE AND INVESTIGATIVE
 SUPPORT TRUST FUND 63,815
 FROM GRANTS AND DONATIONS TRUST FUND 351,795

 886A SPECIAL CATEGORIES
 ACQUISITION OF MOTOR VEHICLES
 FROM GRANTS AND DONATIONS TRUST FUND 120,000

 886B SPECIAL CATEGORIES
 STATE ATTORNEY OPERATING EXPENDITURES
 FROM GENERAL REVENUE FUND 169,128
 FROM FORFEITURE AND INVESTIGATIVE
 SUPPORT TRUST FUND 47,146
 FROM GRANTS AND DONATIONS TRUST FUND 1,258,149

 887 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 64,269

 888 SPECIAL CATEGORIES
 SALARY INCENTIVE PAYMENTS
 FROM GENERAL REVENUE FUND 11,547

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL: PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT
 FROM GENERAL REVENUE FUND 16,068,219
 FROM TRUST FUNDS 2,802,379

 TOTAL POSITIONS 345
 TOTAL ALL FUNDS 18,870,598

PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT

890 SALARIES AND BENEFITS POSITIONS 202
 FROM GENERAL REVENUE FUND 9,409,124
 FROM GRANTS AND DONATIONS TRUST FUND 203,861

 891 OTHER PERSONAL SERVICES
 FROM GENERAL REVENUE FUND 10,732
 FROM GRANTS AND DONATIONS TRUST FUND 79,194

 893A SPECIAL CATEGORIES
 STATE ATTORNEY OPERATING EXPENDITURES
 FROM GENERAL REVENUE FUND 393,376
 FROM CIVIL RICO TRUST FUND 1,000
 FROM GRANTS AND DONATIONS TRUST FUND 111,037

 894 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 55,231

 895 SPECIAL CATEGORIES
 SALARY INCENTIVE PAYMENTS
 FROM GENERAL REVENUE FUND 15,938

 TOTAL: PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT
 FROM GENERAL REVENUE FUND 9,884,401
 FROM TRUST FUNDS 395,092

 TOTAL POSITIONS 202
 TOTAL ALL FUNDS 10,279,493

PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT

897 SALARIES AND BENEFITS POSITIONS 459
 FROM GENERAL REVENUE FUND 19,419,997
 FROM GRANTS AND DONATIONS TRUST FUND 2,565,423

 898 OTHER PERSONAL SERVICES
 FROM GENERAL REVENUE FUND 64,204
 FROM GRANTS AND DONATIONS TRUST FUND 56,662

 900A SPECIAL CATEGORIES
 ACQUISITION OF MOTOR VEHICLES
 FROM GRANTS AND DONATIONS TRUST FUND 60,000

 900B SPECIAL CATEGORIES
 STATE ATTORNEY OPERATING EXPENDITURES
 FROM GENERAL REVENUE FUND 460,640
 FROM GRANTS AND DONATIONS TRUST FUND 1,004,292

 901 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 93,828

 902 SPECIAL CATEGORIES
 SALARY INCENTIVE PAYMENTS
 FROM GENERAL REVENUE FUND 23,009

 TOTAL: PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT
 FROM GENERAL REVENUE FUND 20,061,678
 FROM TRUST FUNDS 3,686,377

 TOTAL POSITIONS 459
 TOTAL ALL FUNDS 23,748,055

SECTION 4			
SPECIFIC			
APPROPRIATION			
PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT			
904	SALARIES AND BENEFITS	POSITIONS	219
	FROM GENERAL REVENUE FUND		10,270,648
	FROM GRANTS AND DONATIONS TRUST FUND . . .		583,591
905	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		25,264
	FROM GRANTS AND DONATIONS TRUST FUND . . .		83,867
907A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		140,000
907B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		261,184
	FROM GRANTS AND DONATIONS TRUST FUND . . .		863,012
908	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		63,608
909	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		6,171
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		10,626,875
	FROM TRUST FUNDS		1,690,470
	TOTAL POSITIONS		219
	TOTAL ALL FUNDS		12,317,345
PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT			
911	SALARIES AND BENEFITS	POSITIONS	158
	FROM GENERAL REVENUE FUND		5,930,210
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,587,824
912	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		8,640
	FROM GRANTS AND DONATIONS TRUST FUND . . .		88,934
914A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		60,000
914B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		267,794
	FROM GRANTS AND DONATIONS TRUST FUND . . .		733,924
915	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		31,627
916	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		13,676
TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		6,251,947
	FROM TRUST FUNDS		2,470,682
	TOTAL POSITIONS		158
	TOTAL ALL FUNDS		8,722,629

SECTION 4			
SPECIFIC			
APPROPRIATION			
PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT			
918	SALARIES AND BENEFITS	POSITIONS	301
	FROM GENERAL REVENUE FUND		14,200,428
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		126,283
	FROM GRANTS AND DONATIONS TRUST FUND . . .		243,689
919	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		92,265
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		63,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,000
921A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		20,000
921B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		325,311
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		94,838
	FROM GRANTS AND DONATIONS TRUST FUND . . .		207,682
922	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		109,009
923	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		27,936
TOTAL: PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		14,754,949
	FROM TRUST FUNDS		756,492
	TOTAL POSITIONS		301
	TOTAL ALL FUNDS		15,511,441
PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT			
925	SALARIES AND BENEFITS	POSITIONS	202
	FROM GENERAL REVENUE FUND		8,819,778
	FROM GRANTS AND DONATIONS TRUST FUND . . .		686,998
926	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		17,871
	FROM GRANTS AND DONATIONS TRUST FUND . . .		97,580
928A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
928B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		275,501
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		14,408
	FROM GRANTS AND DONATIONS TRUST FUND . . .		428,918
929	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		52,781
930	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		14,545
TOTAL: PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		9,180,476
	FROM TRUST FUNDS		1,267,904

SECTION 4				SECTION 4			
SPECIFIC				SPECIFIC			
APPROPRIATION				APPROPRIATION			
	TOTAL POSITIONS	202			TOTAL POSITIONS	174	
	TOTAL ALL FUNDS		10,448,380		TOTAL ALL FUNDS		9,171,390
PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT				PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT			
932	SALARIES AND BENEFITS	POSITIONS	1,196	946	SALARIES AND BENEFITS	POSITIONS	323
	FROM GENERAL REVENUE FUND		37,018,310		FROM GENERAL REVENUE FUND		15,339,707
	FROM CHILD SUPPORT TRUST FUND		14,220,709		FROM GRANTS AND DONATIONS TRUST FUND		541,827
	FROM GRANTS AND DONATIONS TRUST FUND		1,663,696				
933	OTHER PERSONAL SERVICES			947	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	243,644			FROM GENERAL REVENUE FUND	100,177	
	FROM CHILD SUPPORT TRUST FUND		904,900		FROM GRANTS AND DONATIONS TRUST FUND		48,838
	FROM GRANTS AND DONATIONS TRUST FUND		45,914				
935A	SPECIAL CATEGORIES			949A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES				STATE ATTORNEY OPERATING EXPENDITURES		
	FROM FORFEITURE AND INVESTIGATIVE				FROM GENERAL REVENUE FUND	286,197	
	SUPPORT TRUST FUND		80,000		FROM FORFEITURE AND INVESTIGATIVE		
					SUPPORT TRUST FUND		16,293
					FROM GRANTS AND DONATIONS TRUST FUND		281,408
935B	SPECIAL CATEGORIES			950	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES				RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	768,360			FROM GENERAL REVENUE FUND	85,343	
	FROM CHILD SUPPORT TRUST FUND		3,318,503				
	FROM CIVIL RICO TRUST FUND		82,000	951	SPECIAL CATEGORIES		
	FROM FORFEITURE AND INVESTIGATIVE				SALARY INCENTIVE PAYMENTS		
	SUPPORT TRUST FUND		676,445		FROM GENERAL REVENUE FUND	6,913	
	FROM GRANTS AND DONATIONS TRUST FUND		676,318				
936	SPECIAL CATEGORIES			TOTAL: PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT			
	RISK MANAGEMENT INSURANCE				FROM GENERAL REVENUE FUND	15,818,337	
	FROM GENERAL REVENUE FUND	388,173			FROM TRUST FUNDS		888,366
	FROM CHILD SUPPORT TRUST FUND		37,210				
937	SPECIAL CATEGORIES				TOTAL POSITIONS	323	
	SALARY INCENTIVE PAYMENTS				TOTAL ALL FUNDS		16,706,703
	FROM GENERAL REVENUE FUND	22,500		PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT			
TOTAL: PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT				953	SALARIES AND BENEFITS	POSITIONS	92
	FROM GENERAL REVENUE FUND	38,440,987			FROM GENERAL REVENUE FUND		4,539,343
	FROM TRUST FUNDS		21,705,695		FROM GRANTS AND DONATIONS TRUST FUND		219,328
	TOTAL POSITIONS	1,196		954	OTHER PERSONAL SERVICES		
	TOTAL ALL FUNDS		60,146,682		FROM GENERAL REVENUE FUND	2,721	
					FROM GRANTS AND DONATIONS TRUST FUND		29,900
PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT				956A	SPECIAL CATEGORIES		
939	SALARIES AND BENEFITS	POSITIONS	174		ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND		8,516,741		FROM GRANTS AND DONATIONS TRUST FUND		41,052
940	OTHER PERSONAL SERVICES			956B	SPECIAL CATEGORIES		
	FROM GENERAL REVENUE FUND	11,375			STATE ATTORNEY OPERATING EXPENDITURES		
942A	SPECIAL CATEGORIES				FROM GENERAL REVENUE FUND	217,870	
	STATE ATTORNEY OPERATING EXPENDITURES				FROM GRANTS AND DONATIONS TRUST FUND		100,119
	FROM GENERAL REVENUE FUND	397,389		957	SPECIAL CATEGORIES		
	FROM GRANTS AND DONATIONS TRUST FUND		194,669		RISK MANAGEMENT INSURANCE		
943	SPECIAL CATEGORIES				FROM GENERAL REVENUE FUND	8,486	
	RISK MANAGEMENT INSURANCE			958	SPECIAL CATEGORIES		
	FROM GENERAL REVENUE FUND	41,636			SALARY INCENTIVE PAYMENTS		
944	SPECIAL CATEGORIES				FROM GENERAL REVENUE FUND	7,794	
	SALARY INCENTIVE PAYMENTS			TOTAL: PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	9,580			FROM GENERAL REVENUE FUND	4,776,214	
TOTAL: PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT					FROM TRUST FUNDS		390,399
	FROM GENERAL REVENUE FUND	8,976,721			TOTAL POSITIONS	92	
	FROM TRUST FUNDS		194,669		TOTAL ALL FUNDS		5,166,613

SECTION 4			
SPECIFIC APPROPRIATION			
PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT			
960	SALARIES AND BENEFITS	POSITIONS	311
	FROM GENERAL REVENUE FUND		14,759,328
	FROM GRANTS AND DONATIONS TRUST FUND		
			719,067
961	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		56,629
	FROM GRANTS AND DONATIONS TRUST FUND		
			27,120
963A	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		535,518
	FROM GRANTS AND DONATIONS TRUST FUND		
			533,281
964	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		63,960
965	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		10,702
	FROM GRANTS AND DONATIONS TRUST FUND		
			1,000
TOTAL: PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		15,426,137
	FROM TRUST FUNDS		
			1,280,468
	TOTAL POSITIONS		311
	TOTAL ALL FUNDS		16,706,605
PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT			
967	SALARIES AND BENEFITS	POSITIONS	59
	FROM GENERAL REVENUE FUND		2,884,488
	FROM GRANTS AND DONATIONS TRUST FUND		
			278,790
968	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		15,684
	FROM GRANTS AND DONATIONS TRUST FUND		
			176,054
970A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND		20,000
	FROM GRANTS AND DONATIONS TRUST FUND		40,000
970B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		158,719
	FROM GRANTS AND DONATIONS TRUST FUND		
			221,884
971	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		27,484
972	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		7,129
TOTAL: PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		3,093,504
	FROM TRUST FUNDS		
			736,728
	TOTAL POSITIONS		59
	TOTAL ALL FUNDS		3,830,232
PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT			

SECTION 4			
SPECIFIC APPROPRIATION			
974	SALARIES AND BENEFITS	POSITIONS	454
	FROM GENERAL REVENUE FUND		21,925,328
	FROM GRANTS AND DONATIONS TRUST FUND		
			278,441
975	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		90,566
	FROM GRANTS AND DONATIONS TRUST FUND		
			94,632
978A	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		815,572
	FROM GRANTS AND DONATIONS TRUST FUND		
			359,752
979	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		168,385
980	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		23,786
TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		23,023,637
	FROM TRUST FUNDS		
			732,825
	TOTAL POSITIONS		454
	TOTAL ALL FUNDS		23,756,462
PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT			
983	SALARIES AND BENEFITS	POSITIONS	275
	FROM GENERAL REVENUE FUND		12,295,731
	FROM GRANTS AND DONATIONS TRUST FUND		
			747,964
984	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		19,868
	FROM GRANTS AND DONATIONS TRUST FUND		
			92,500
986A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		79,932
986B	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		484,352
	FROM CONSUMER FRAUDS TRUST FUND		
	FROM GRANTS AND DONATIONS TRUST FUND		1,028
			186,076
987	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		41,870
988	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		9,707
TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND		12,851,528
	FROM TRUST FUNDS		
			1,107,500
	TOTAL POSITIONS		275
	TOTAL ALL FUNDS		13,959,028
PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT			
990	SALARIES AND BENEFITS	POSITIONS	144
	FROM GENERAL REVENUE FUND		6,358,758
	FROM GRANTS AND DONATIONS TRUST FUND		
			275,000

SECTION 4 SPECIFIC APPROPRIATION			
991	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	19,658	
994	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND	16,300	
994A	SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	261,217 10,704	
995	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	35,816	
996	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	8,874	
TOTAL: PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	6,684,323	
	FROM TRUST FUNDS		302,004
	TOTAL POSITIONS	144	
	TOTAL ALL FUNDS	6,986,327	
PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT			
998	SALARIES AND BENEFITS POSITIONS 237 FROM GENERAL REVENUE FUND	10,840,994	
	FROM CIVIL RICO TRUST FUND		253,968
	FROM GRANTS AND DONATIONS TRUST FUND		313,243
999	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	14,574 89,749	
1001A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM CIVIL RICO TRUST FUND	20,000	
1001B	SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM CIVIL RICO TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND	313,927 57,102 389,014	
1002	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	321,006	
1003	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	21,288 480	
TOTAL: PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	11,511,789	
	FROM TRUST FUNDS		1,123,556
	TOTAL POSITIONS	237	
	TOTAL ALL FUNDS	12,635,345	

PUBLIC DEFENDERS

The Public Defenders' Coordination Office's budgeting needs may be shared by each Public Defender's office within the funds provided in Specific Appropriations 1005 through 1151A. The total funding for this office shall not exceed \$338,250.

SECTION 4 SPECIFIC APPROPRIATION			
From the funds provided in Specific Appropriations 1005 through 1151A, the Public Defenders' Coordination Office shall submit a quarterly report to the Senate Appropriations 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" conflict cases (as described in ss. 27.53(3) and 27.54(2)(b), Florida Statutes, respectively).			
From the funds in Specific Appropriations 1005 through 1151A, a Public Defender may 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.			
PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT			
1005	SALARIES AND BENEFITS POSITIONS 113 FROM GENERAL REVENUE FUND	5,537,336	
1006	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	22,888 30,000	
1008A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	40,000	
1009A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	177,119 62,142 99,215	
1010	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	10,191	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	5,747,534	
	FROM TRUST FUNDS		231,357
	TOTAL POSITIONS	113	
	TOTAL ALL FUNDS	5,978,891	
PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT			
1011	SALARIES AND BENEFITS POSITIONS 81 FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	3,821,867 24,504	
1012	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	20,744 13,750	
1015A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND FROM INDIGENT CRIMINAL DEFENSE TRUST FUND	181,198 45,117 54,050	
1016	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	6,011	

SECTION 4			
SPECIFIC			
APPROPRIATION			
TOTAL: PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	4,029,820	
	FROM TRUST FUNDS		137,421
	TOTAL POSITIONS	81	
	TOTAL ALL FUNDS		4,167,241
PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT			
1017	SALARIES AND BENEFITS POSITIONS	30	
	FROM GENERAL REVENUE FUND	1,764,327	
1018	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,887	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		10,000
1020A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		19,000
1021A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	115,100	
	FROM GRANTS AND DONATIONS TRUST FUND		20,416
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		28,785
1022	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,676	
TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	1,889,990	
	FROM TRUST FUNDS		78,201
	TOTAL POSITIONS	30	
	TOTAL ALL FUNDS		1,968,191
PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT			
1023	SALARIES AND BENEFITS POSITIONS	150	
	FROM GENERAL REVENUE FUND	7,556,494	
1024	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,277	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		71,000
1026A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		19,000
1027A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	224,088	
	FROM GRANTS AND DONATIONS TRUST FUND		101,105
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		62,195
1028	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	32,003	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	7,834,862	
	FROM TRUST FUNDS		253,300

SECTION 4			
SPECIFIC			
APPROPRIATION			
	TOTAL POSITIONS	150	
	TOTAL ALL FUNDS		8,088,162
PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT			
1029	SALARIES AND BENEFITS POSITIONS	79	
	FROM GENERAL REVENUE FUND	3,757,229	
	FROM GRANTS AND DONATIONS TRUST FUND		74,746
1030	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,000	
1032A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		18,442
1033A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	140,685	
	FROM GRANTS AND DONATIONS TRUST FUND		42,555
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		240,382
1034	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,002	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	3,924,916	
	FROM TRUST FUNDS		376,125
	TOTAL POSITIONS	79	
	TOTAL ALL FUNDS		4,301,041
PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT			
1035	SALARIES AND BENEFITS POSITIONS	199	
	FROM GENERAL REVENUE FUND	9,782,462	
1036	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	82,867	
1039A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	408,006	
	FROM GRANTS AND DONATIONS TRUST FUND		111,667
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		223,047
1040	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	45,153	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	10,318,488	
	FROM TRUST FUNDS		334,714
	TOTAL POSITIONS	199	
	TOTAL ALL FUNDS		10,653,202
PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT			
1041	SALARIES AND BENEFITS POSITIONS	112	
	FROM GENERAL REVENUE FUND	5,370,955	
1042	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		3,230

SECTION 4			
SPECIFIC			
APPROPRIATION			
1045A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	127,306	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		59,633
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		161,107
1046	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	20,855	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND	5,519,150	
	FROM TRUST FUNDS		223,970
	TOTAL POSITIONS	112	
	TOTAL ALL FUNDS		5,743,120
PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL			
CIRCUIT			
1047	SALARIES AND BENEFITS	POSITIONS	68
	FROM GENERAL REVENUE FUND		3,368,112
1048	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,919	
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		23,000
1050A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND	18,000	
1051A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	86,714	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		37,564
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		85,676
1052	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	4,709	
TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND	3,472,454	
	FROM TRUST FUNDS		164,240
	TOTAL POSITIONS	68	
	TOTAL ALL FUNDS		3,636,694
PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL			
CIRCUIT			
1053	SALARIES AND BENEFITS	POSITIONS	136
	FROM GENERAL REVENUE FUND		6,505,874
1054	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,000	
1056A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND	72,000	
1057A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	176,140	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		74,048
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		647,304

SECTION 4			
SPECIFIC			
APPROPRIATION			
1058	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		37,545
TOTAL: PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND		6,744,559
	FROM TRUST FUNDS		793,352
	TOTAL POSITIONS	136	
	TOTAL ALL FUNDS		7,537,911
PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL			
CIRCUIT			
1059	SALARIES AND BENEFITS	POSITIONS	107
	FROM GENERAL REVENUE FUND		5,198,766
1060	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,580	
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		6,200
1063A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	138,689	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		58,135
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		148,160
1064	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	31,560	
TOTAL: PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND	5,381,595	
	FROM TRUST FUNDS		212,495
	TOTAL POSITIONS	107	
	TOTAL ALL FUNDS		5,594,090
PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL			
CIRCUIT			
1065	SALARIES AND BENEFITS	POSITIONS	374
	FROM GENERAL REVENUE FUND		17,247,579
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,947,251
1066	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	95,217	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		120,000
1069A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	448,362	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		197,791
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		382,693
1070	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	95,660	
TOTAL: PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND	17,886,818	
	FROM TRUST FUNDS		2,687,735
	TOTAL POSITIONS	374	
	TOTAL ALL FUNDS		20,574,553
PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL			
CIRCUIT			

SECTION 4			
SPECIFIC			
APPROPRIATION			
1071	SALARIES AND BENEFITS	POSITIONS	89
	FROM GENERAL REVENUE FUND		4,340,806
1072	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		38,699
1075A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		304,148
	FROM GRANTS AND DONATIONS TRUST FUND		50,622
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		116,646
1076	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		5,323
TOTAL: PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND		4,688,976
	FROM TRUST FUNDS		167,268
	TOTAL POSITIONS		89
	TOTAL ALL FUNDS		4,856,244
PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL			
CIRCUIT			
1077	SALARIES AND BENEFITS	POSITIONS	186
	FROM GENERAL REVENUE FUND		8,932,186
1078	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		48,954
1080A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		40,000
1081A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		585,244
	FROM GRANTS AND DONATIONS TRUST FUND		103,774
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		126,159
1082	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		36,951
TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND		9,603,335
	FROM TRUST FUNDS		269,933
	TOTAL POSITIONS		186
	TOTAL ALL FUNDS		9,873,268
PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL			
CIRCUIT			
1083	SALARIES AND BENEFITS	POSITIONS	44
	FROM GENERAL REVENUE FUND		2,610,215
1084	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		7,101
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		43,103
1087A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		140,570

SECTION 4			
SPECIFIC			
APPROPRIATION			
	FROM GRANTS AND DONATIONS TRUST FUND		29,858
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		128,292
1088	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		3,754
TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND		2,761,640
	FROM TRUST FUNDS		201,253
	TOTAL POSITIONS		44
	TOTAL ALL FUNDS		2,962,893
PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL			
CIRCUIT			
1089	SALARIES AND BENEFITS	POSITIONS	188
	FROM GENERAL REVENUE FUND		8,649,923
1090	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		248,199
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		93,620
1093A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		151,238
	FROM GRANTS AND DONATIONS TRUST FUND		98,831
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		246,397
1094	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		55,385
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND		9,104,745
	FROM TRUST FUNDS		438,848
	TOTAL POSITIONS		188
	TOTAL ALL FUNDS		9,543,593
PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL			
CIRCUIT			
1095	SALARIES AND BENEFITS	POSITIONS	41
	FROM GENERAL REVENUE FUND		1,995,265
1096	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		13,468
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		10,000
1099A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND		134,755
	FROM GRANTS AND DONATIONS TRUST FUND		23,112
	FROM INDIGENT CRIMINAL DEFENSE TRUST		
	FUND		13,005
1100	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		2,498
TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND		2,145,986
	FROM TRUST FUNDS		46,117

SECTION 4			
SPECIFIC APPROPRIATION			
	TOTAL POSITIONS	41	
	TOTAL ALL FUNDS		2,192,103
PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT			
1102	SALARIES AND BENEFITS POSITIONS	203	
	FROM GENERAL REVENUE FUND	10,434,319	
1103	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	86,757	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		36,000
1105A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		190,000
1106A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	344,107	
	FROM GRANTS AND DONATIONS TRUST FUND		118,533
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		200,375
1107	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	28,344	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	10,893,527	
	FROM TRUST FUNDS		544,908
	TOTAL POSITIONS	203	
	TOTAL ALL FUNDS		11,438,435
PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT			
1108	SALARIES AND BENEFITS POSITIONS	96	
	FROM GENERAL REVENUE FUND	4,585,511	
1109	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,953	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		24,000
1111A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		80,000
1112A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	204,675	
	FROM GRANTS AND DONATIONS TRUST FUND		52,274
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		241,340
1113	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	6,810	
TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	4,809,949	
	FROM TRUST FUNDS		397,614
	TOTAL POSITIONS	96	
	TOTAL ALL FUNDS		5,207,563

SECTION 4			
SPECIFIC APPROPRIATION			
PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT			
1114	SALARIES AND BENEFITS POSITIONS	69	
	FROM GENERAL REVENUE FUND	3,271,740	
1115	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		10,893
1118A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	188,356	
	FROM GRANTS AND DONATIONS TRUST FUND		38,084
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		188,767
1119	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	47,754	
TOTAL: PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	3,518,743	
	FROM TRUST FUNDS		226,851
	TOTAL POSITIONS	69	
	TOTAL ALL FUNDS		3,745,594
PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT			
1121	SALARIES AND BENEFITS POSITIONS	88	
	FROM GENERAL REVENUE FUND	3,939,245	
	FROM GRANTS AND DONATIONS TRUST FUND		194,355
1122	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,287	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		53,000
1125A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	195,557	
	FROM GRANTS AND DONATIONS TRUST FUND		44,945
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		124,026
1126	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,143	
TOTAL: PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	4,155,232	
	FROM TRUST FUNDS		416,326
	TOTAL POSITIONS	88	
	TOTAL ALL FUNDS		4,571,558
PUBLIC DEFENDERS APPELLATE DIVISION			
PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT			
1127	SALARIES AND BENEFITS POSITIONS	35	
	FROM GENERAL REVENUE FUND	1,943,058	
1128	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,500	
1131A	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	191,366	

SECTION 4 SPECIFIC APPROPRIATION			
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	2,141,924	
	TOTAL POSITIONS	35	
	TOTAL ALL FUNDS		2,141,924
PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT			
1132	SALARIES AND BENEFITS	POSITIONS 33	
	FROM GENERAL REVENUE FUND	1,799,056	
1133	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	2,400	
1136A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND	204,414	
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	2,005,870	
	TOTAL POSITIONS	33	
	TOTAL ALL FUNDS		2,005,870
PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT			
1137	SALARIES AND BENEFITS	POSITIONS 51	
	FROM GENERAL REVENUE FUND	2,727,882	
1138	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	305,744	
1141A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND	203,986	
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	3,237,612	
	TOTAL POSITIONS	51	
	TOTAL ALL FUNDS		3,237,612
PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT			
1142	SALARIES AND BENEFITS	POSITIONS 24	
	FROM GENERAL REVENUE FUND	1,690,390	
1143	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	9,165	
1146A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND	127,754	
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	1,827,309	
	TOTAL POSITIONS	24	
	TOTAL ALL FUNDS		1,827,309
PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT			
1147	SALARIES AND BENEFITS	POSITIONS 38	
	FROM GENERAL REVENUE FUND	2,759,231	

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1148	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	7,837	
1151A	SPECIAL CATEGORIES PUBLIC DEFENDER OPERATING EXPENDITURES FROM GENERAL REVENUE FUND	166,462	
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	2,933,530	
	TOTAL POSITIONS	38	
	TOTAL ALL FUNDS		2,933,530
CAPITAL COLLATERAL REGIONAL COUNSELS PROGRAM: NORTHERN REGIONAL COUNSEL			
CAPITAL JUSTICE REPRESENTATION - NORTHERN REGIONAL COUNSEL			
1152	SALARIES AND BENEFITS	POSITIONS 29	
	FROM GENERAL REVENUE FUND	1,502,428	
1153	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	31,218	
1154	EXPENSES FROM GENERAL REVENUE FUND	368,708	
	FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND		41,222
1155	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	13,549	
1155A	SPECIAL CATEGORIES CASE RELATED COSTS FROM GENERAL REVENUE FUND	541,280	
1156	SPECIAL CATEGORIES OVERTIME FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND		40,672
1157	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	15,784	
1158	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	2,479,467	
	FROM TRUST FUNDS		81,894
	TOTAL POSITIONS	29	
	TOTAL ALL FUNDS		2,561,361
PROGRAM: MIDDLE REGIONAL COUNSEL			
CAPITAL JUSTICE REPRESENTATION - MIDDLE REGIONAL COUNSEL			
1159	SALARIES AND BENEFITS	POSITIONS 39	
	FROM GENERAL REVENUE FUND	2,108,170	
1160	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	47,307	

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1161	EXPENSES	
	FROM GENERAL REVENUE FUND	524,663
	FROM CAPITAL COLLATERAL REPRESENTATIVE	
	TRUST FUND	32,159
1162	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	3,321
1162A	SPECIAL CATEGORIES	
	CASE RELATED COSTS	
	FROM GENERAL REVENUE FUND	610,244
1163	SPECIAL CATEGORIES	
	OVERTIME	
	FROM CAPITAL COLLATERAL REPRESENTATIVE	
	TRUST FUND	31,327
1164	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	6,136
1165	SPECIAL CATEGORIES	
	CAPITAL COLLATERAL REGIONAL COUNSELS LAW	
	LIBRARY	
	FROM GENERAL REVENUE FUND	10,963
1166	DATA PROCESSING SERVICES	
	OTHER DATA PROCESSING SERVICES	
	FROM GENERAL REVENUE FUND	1,500
TOTAL: CAPITAL JUSTICE REPRESENTATION - MIDDLE REGIONAL		
	COUNSEL	
	FROM GENERAL REVENUE FUND	3,312,304
	FROM TRUST FUNDS	63,486
	TOTAL POSITIONS	39
	TOTAL ALL FUNDS	3,375,790
PROGRAM: SOUTHERN REGIONAL COUNSEL		
CAPITAL JUSTICE REPRESENTATION - SOUTHERN REGIONAL		
COUNSEL		
1167	SALARIES AND BENEFITS POSITIONS	30
	FROM GENERAL REVENUE FUND	1,653,621
1168	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	41,544
1169	EXPENSES	
	FROM GENERAL REVENUE FUND	429,217
	FROM CAPITAL COLLATERAL REPRESENTATIVE	
	TRUST FUND	28,241
1170	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	3,038
1170A	SPECIAL CATEGORIES	
	CASE RELATED COSTS	
	FROM GENERAL REVENUE FUND	814,303
1171	SPECIAL CATEGORIES	
	OVERTIME	
	FROM CAPITAL COLLATERAL REPRESENTATIVE	
	TRUST FUND	27,510
1172	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	2,058
1173	SPECIAL CATEGORIES	
	CAPITAL COLLATERAL REGIONAL COUNSELS LAW	

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	LIBRARY	
	FROM GENERAL REVENUE FUND	7,475
1174	DATA PROCESSING SERVICES	
	OTHER DATA PROCESSING SERVICES	
	FROM GENERAL REVENUE FUND	1,500
TOTAL: CAPITAL JUSTICE REPRESENTATION - SOUTHERN REGIONAL		
	COUNSEL	
	FROM GENERAL REVENUE FUND	2,952,756
	FROM TRUST FUNDS	55,751
	TOTAL POSITIONS	30
	TOTAL ALL FUNDS	3,008,507

JUVENILE JUSTICE, DEPARTMENT OF

From the funds in Specific Appropriations 1175 through 1235, the Department of Juvenile Justice shall develop a plan to improve the performance of the department in meeting statutory reporting requirements, improve the accuracy and reliability of other data provided by the department to the Legislature, the Governor and the public, and to correct deficiencies noted by the Auditor General in report number 01-060. A copy of the plan shall be delivered to the Governor, the President of the Senate, and to the Speaker of the House of Representatives by October 1, 2001.

From the funds in Specific Appropriations 1175 through 1235, the Department of Juvenile Justice shall maintain accurate records related to motor vehicle inventory, vehicle maintenance, miles traveled, the number of youth transported and all costs associated with youth transportation. This information shall be reported semi-annually to the House Fiscal Responsibility Council and the Senate Appropriations Committee and shall be sufficient to allow for the examination and evaluation of options to outsource youth transportation services. The first report shall be delivered by February 1, 2002.

From the funds in Specific Appropriations 1175 through 1235, each provider who contracts with the Department of Juvenile Justice must provide the Department of Juvenile Justice 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.

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 1175 through 1187A, the Juvenile Detention Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	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.....	75%

Additional approved performance measures and standards are	
established in the FY 2001-2002 Implementing Bill and are	

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incorporated herein by reference.

DETENTION CENTERS

From the funds in Specific Appropriation 1181, the department shall outsource detention center food services and maintenance functions. The positions in Specific Appropriation 1175 reflect a reduction of 159 full time equivalent positions. The Executive Office of the Governor will adjust the initial 2001-02 Position and Rate Ledger to temporarily restore the 159 positions which are to be deleted by January 1, 2002.

Table with 4 columns: Line Item, Description, Amount, and Subtotal. Includes items 1175-1180A with descriptions like SALARIES AND BENEFITS, OTHER PERSONAL SERVICES, EXPENSES, OPERATING CAPITAL OUTLAY, FOOD PRODUCTS, and SPECIAL CATEGORIES.

The funds in Specific Appropriation 1180A, from recurring General Revenue, are allocated as follows:

Table with 2 columns: Description and Amount. Lists Mental Health Overlay for Orange Co. Det. Ctr., Village Inn for Girls, and Mental Health Overlay Services at Osceola Regional.

Table with 4 columns: Line Item, Description, Amount, and Subtotal. Includes items 1181-1183 and a TOTAL for DETENTION CENTERS.

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HOME DETENTION

From the funds in Specific Appropriation 1187, the department shall outsource home detention community supervision functions. The positions in Specific Appropriation 1184 reflect a reduction of 173 full time equivalent positions. The Executive Office of the Governor will adjust the initial 2001-02 Position and Rate Ledger to temporarily restore the 173 positions which are to be deleted by January 1, 2002.

Table with 4 columns: Line Item, Description, Amount, and Subtotal. Includes items 1184-1188A and a TOTAL for HOME DETENTION. Descriptions include SALARIES AND BENEFITS, OTHER PERSONAL SERVICES, EXPENSES, and SPECIAL CATEGORIES.

The funds in Specific Appropriation 1186A, from recurring General Revenue, are allocated as follows:

Table with 2 columns: Description and Amount. Lists Secrets of Success (CBIR 1440).

PROGRAM: PROBATION AND COMMUNITY CORRECTIONS
PROGRAM

From the funds in Specific Appropriations 1118 through 1199A, the Probation and Community Corrections program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Table with 2 columns: Performance Measures and Standards. Lists metrics like 'Percentage of youth who remain crime free during aftercare supervision' and 'Percentage of youth who remain crime free one year after release from aftercare'.

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AFTERCARE SERVICES - CONDITIONAL RELEASE			
1188	SALARIES AND BENEFITS	POSITIONS	25
	FROM GENERAL REVENUE FUND		831,625
1189	EXPENSES		
	FROM GENERAL REVENUE FUND		138,188
1189A	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND		1,350,000
From the funds in Specific Appropriation 1189A, \$1,350,000 from General Revenue is provided for Eckerd Youth Alternatives, Inc. - Early Intervention and Aftercare program as approved by the Juvenile Justice Review Panel established pursuant to Executive Order 2000-7.			
1190	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		20,225,980
	FROM GRANTS AND DONATIONS TRUST FUND		2,500,000
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		992
1190A	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		30,445
TOTAL: AFTERCARE SERVICES - CONDITIONAL RELEASE			
	FROM GENERAL REVENUE FUND		22,576,238
	FROM TRUST FUNDS		2,500,992
	TOTAL POSITIONS		25
	TOTAL ALL FUNDS		25,077,230
JUVENILE PROBATION			
1191	SALARIES AND BENEFITS	POSITIONS	1,771
	FROM GENERAL REVENUE FUND		56,713,518
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		7,544,148
1192	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		1,891,000
1193	EXPENSES		
	FROM GENERAL REVENUE FUND		12,211,141
	FROM GRANTS AND DONATIONS TRUST FUND		32,796
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		564,708
1194	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		82,993
1195A	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND		1,180,000
The funds in Specific Appropriation 1195A, from recurring General Revenue are allocated as follows:			
	Juvenile Arrest and Monitor Unit (CBIR 235)		750,000
	Sarasota Juvenile Assessment Center		210,000
	Lee County Juvenile Assessment Center		120,000
	Collier County Juvenile Assessment Center (CBIR 2765)		100,000
1196	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		13,556,363

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APPROPRIATION			
1196A SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		2,118,943
TOTAL: JUVENILE PROBATION			
	FROM GENERAL REVENUE FUND		87,753,958
	FROM TRUST FUNDS		8,141,652
	TOTAL POSITIONS		1,771
	TOTAL ALL FUNDS		95,895,610
NON-RESIDENTIAL DELINQUENCY REHABILITATION			
1198A SPECIAL CATEGORIES			
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND		1,696,000
The funds in Specific Appropriation 1198A, are allocated as follows:			
From recurring General Revenue Funds:			
	New Horizons Youth Academy Day Treatment Program (CBIR 1921)		200,000
	IMPACT--AMI's Alternative Education Program for Juvenile Offenders (CBIR 1846)		1,000,000
From nonrecurring General Revenue Funds:			
	Eckerd Youth Academy-Replace 19 Vans		446,000
	Restorative Justice (CBIR 795)		50,000
1199 SPECIAL CATEGORIES			
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		22,543,993
	FROM GRANTS AND DONATIONS TRUST FUND		1,011,323
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		81,003
From the funds in Specific Appropriation 1199, the department may contract for the provision of non-residential sex offender treatment services.			
From the funds in Specific Appropriations 1199, the department may transfer up to \$2.3 million from General Revenue, if available due to program start-up delays or closures, to Specific Appropriation 1225 to fund the operating costs for new secure commitment beds in the event that new beds become available earlier than anticipated. The transfer of funds authorized by this paragraph shall be in accordance with all applicable provisions of Chapter 216, Florida Statutes, and may not result in reductions to ongoing service levels or payments to providers that meet or exceed contractually established performance standards.			
1199A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY			
	LOCAL DELINQUENCY INTERVENTION FACILITIES		
	FROM GENERAL REVENUE FUND		1,080,000
Funds in Specific Appropriation 1199A from nonrecurring General Revenue are provided for the following projects:			
	New Port Richey Marine Institute Education Center (CBIR 513)		500,000
	Eckerd Youth Academy Dorm Replacement		580,000
TOTAL: NON-RESIDENTIAL DELINQUENCY REHABILITATION			
	FROM GENERAL REVENUE FUND		25,319,993
	FROM TRUST FUNDS		1,092,326
	TOTAL ALL FUNDS		26,412,319
PROGRAM: OFFICE OF THE SECRETARY/ASSISTANT SECRETARY FOR ADMINISTRATIVE SERVICES			

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APPROPRIATION			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
1200	SALARIES AND BENEFITS	POSITIONS	314
	FROM GENERAL REVENUE FUND		13,509,631
	FROM GRANTS AND DONATIONS TRUST FUND . . .		300,901
1201	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		846,098
	FROM ADMINISTRATIVE TRUST FUND		72,341
	FROM JUVENILE JUSTICE TRAINING TRUST FUND		11,712
1202	EXPENSES		
	FROM GENERAL REVENUE FUND		4,411,226
	FROM ADMINISTRATIVE TRUST FUND		210,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		423,392
	FROM JUVENILE JUSTICE TRAINING TRUST FUND		685,709
1203	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		39,836
1204	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND		450,000
1205	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND		18,653
1206	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		540,152
	FROM JUVENILE JUSTICE TRAINING TRUST FUND		2,190,645
1207	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		401,260
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND		20,216,856
	FROM TRUST FUNDS		3,894,700
	TOTAL POSITIONS		314
	TOTAL ALL FUNDS		24,111,556
INFORMATION TECHNOLOGY			
1208A	SALARIES AND BENEFITS	POSITIONS	78
	FROM GENERAL REVENUE FUND		3,603,316
1208B	EXPENSES		
	FROM GENERAL REVENUE FUND		3,133,362
	FROM ADMINISTRATIVE TRUST FUND		49,793
	FROM GRANTS AND DONATIONS TRUST FUND . . .		29,111
1208C	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		103,149
1208D	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		107,774
TOTAL:	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND		6,947,601
	FROM TRUST FUNDS		78,904
	TOTAL POSITIONS		78
	TOTAL ALL FUNDS		7,026,505

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PROGRAM: RESIDENTIAL CORRECTIONS PROGRAM			
From the funds in Specific Appropriations 1210 through 1227, the Residential Corrections Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:			
=====			
	Performance		FY 2001-2002
	Measures - Outcomes		Standards

	Percentage of youth who remain crime free one		
	year after release.....		56%

	Additional approved performance measures and standards are		
	established in the FY 2001-2002 Implementing Bill and are		
	incorporated herein by reference.		
=====			
The funds in Specific Appropriations 1210 through 1227 include additional operations funding to bring a minimum of 1,152 newly constructed beds on-line during FY 2001-02. These funds shall be placed initially in reserve and may be released upon certification by the Department of Juvenile Justice and the Governor's Office of Policy and Budgeting that facilities are ready to open and that funds are not available from the closure of existing facilities or reductions to existing contracts to pay the costs of operating the new beds.			
The department shall provide monthly reports identifying all residential commitment beds in operation on the last day of the month and a detailed listing of facilities that opened, closed, or increased or decreased capacity during the reporting period. The department may use up to \$300,000 from General Revenue to contract for the design, development and implementation of a new "bed management component" of the Juvenile Justice Information System (JJIS). This JJIS enhancement shall be designed and developed to improve the collection, reporting, and forecasting of residential commitment bed capacity and utilization. Prior to the expenditure of funds for the "bed management component" of the JJIS system, the department shall submit their business plan for JJIS enhancements to the State Technology Office and the Technology Review Workgroup for their review and approval before entering into any contract.			
NON-SECURE RESIDENTIAL COMMITMENT			
1210	SALARIES AND BENEFITS	POSITIONS	491
	FROM GENERAL REVENUE FUND		13,893,591
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,627,148
1211	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		302,554
1212	EXPENSES		
	FROM GENERAL REVENUE FUND		3,206,772
	FROM GRANTS AND DONATIONS TRUST FUND . . .		307,147
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		451,327
1213	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		179,957
1214	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND		884,428
	FROM GRANTS AND DONATIONS TRUST FUND . . .		159,862
1215	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND		79,000
1215A	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND		

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PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 1,437,235

The funds in Specific Appropriation 1215A, from recurring General Revenue, are allocated as follows:

Project Craft/Orlando (CBIR 1276)..... 162,235
Project CRAFT/Tampa (CBIR 859)..... 325,000
DJJ Outreach Program @ Miami Children's Hospital (CBIR 1479) 950,000

1216 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 124,413,195
FROM GRANTS AND DONATIONS TRUST FUND 2,570,014
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,487,094
1216A SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 465,193
1217 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 6,637,248
TOTAL: NON-SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND 151,499,173
FROM TRUST FUNDS 8,602,592
TOTAL POSITIONS 491
TOTAL ALL FUNDS 160,101,765

SECURE RESIDENTIAL COMMITMENT

1218 SALARIES AND BENEFITS POSITIONS 823
FROM GENERAL REVENUE FUND 21,314,751
FROM GRANTS AND DONATIONS TRUST FUND 185,706
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,220,760
1219 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 907,796
1220 EXPENSES
FROM GENERAL REVENUE FUND 4,398,926
FROM GRANTS AND DONATIONS TRUST FUND 17,969
1221 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,395,361
1222 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 405,154
FROM GRANTS AND DONATIONS TRUST FUND 124,565
1223 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
1224 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
1225 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

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FROM GENERAL REVENUE FUND 66,913,368
FROM GRANTS AND DONATIONS TRUST FUND 6,859,364
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 30,808,311

From the funds in Specific Appropriation 1225, \$142,900 from recurring General Revenue is provided to the City of Pahokee as a payment in lieu of taxes.

From the funds provided in Specific Appropriation 1225, the Department of Juvenile Justice shall fund the annual operation of the Polk Youth Development Center, a secure, 350-bed facility for high risk youth, at a per diem rate of \$78.29 times the minimum occupancy of 315 beds, plus \$34.50 per bed for each bed in excess of 315.

1226 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 626,789
FROM GRANTS AND DONATIONS TRUST FUND 10,112
1227 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE
FROM GENERAL REVENUE FUND 2,895,735
TOTAL: SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND 105,092,106
FROM TRUST FUNDS 42,910,335
TOTAL POSITIONS 823
TOTAL ALL FUNDS 148,002,441

PROGRAM: PREVENTION AND VICTIM SERVICES

From the funds in Specific Appropriations 1228 through 1235, the Prevention and Victim Services program will meet the following performance standards, as required by the Government Performance and Accountability Act of 1994:

Table with 2 columns: Performance Measures - Outcomes and FY 2001-2002 Standards. Row 1: Percentage of youth who remain crime free six months after completing a prevention program...85%. Row 2: Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

DELINQUENCY PREVENTION AND DIVERSION

1228 SALARIES AND BENEFITS POSITIONS 94
FROM GENERAL REVENUE FUND 4,468,642
FROM GRANTS AND DONATIONS TRUST FUND 790,803
1229 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 461,628
FROM GRANTS AND DONATIONS TRUST FUND 208,160
1230 EXPENSES
FROM GENERAL REVENUE FUND 407,423
FROM GRANTS AND DONATIONS TRUST FUND 380,948
1230A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INVEST IN CHILDREN
FROM GRANTS AND DONATIONS TRUST FUND 1,300,000
FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND 502,000
1231 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND 24,900

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1233 SPECIAL CATEGORIES
PACE CENTERS
FROM GENERAL REVENUE FUND 10,210,627

From the funds in Specific Appropriation 1233, \$235,000 from recurring General Revenue is provided for the following projects:

PACE Volusia-Flagler Reach (CBIR 488, 471)..... 60,000
PACE Broward Pre-Teen Program (CBIR 1671, 1680)..... 100,000
PACE - Monroe County (CBIR 3364)..... 75,000

1233A SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND
PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 9,874,852

The funds in Specific Appropriation 1233A, from recurring General Revenue are allocated as follows:

Boys & Girls Clubs of Hernando County (CBIR 404)..... 95,000
Targeted Outreach/Holly Hill (CBIR 1605)..... 20,000
Targeted Outreach/Oak Hill (CBIR 1818)..... 20,000
Targeted Outreach/Flagler (CBIR 1821)..... 20,000
Santa Rosa County Truancy Pick-Up Program (CBIR 732)..... 50,000
Suspension With a Purpose (S.W.A.P.) (CBIR 1961)..... 100,000
Boys and Girls Club of Citrus County, Inc (CBIR 317)..... 200,000
PRODIGY Program (CBIR 2641)..... 599,780
Believe & Achieve (CBIR 462)..... 100,000
CETARY Project (CBIR 184)..... 250,000
Hispanic Adolescents And Their Parents (HAAP) (CBIR 2331)... 200,000
G.A.P. - Girls Advocacy Project (CBIR 3310)..... 150,000
City of Jacksonville, Truancy Interdiction Pgm (CBIR 3156).. 200,000
Palm Beach County Truancy Interdiction Pgm (TIP) (CBIR 642). 250,000
South Side Boys and Girls Club (CBIR 2330)..... 100,000
ICYC After School Education & Recreation Program (CBIR 1211) 150,000
Project LIFT (CBIR 1355)..... 50,000
MAD DADS of Miami-Dade, Inc (CBIR 1299)..... 200,000
Boys and Girls Club/Escambia County Delinquency and Crime
Prevention (CBIR 249)..... 18,000
St. Lucie Youth Intervention & Diversion Program (CBIR 577). 235,000
Youth Volunteer Corps (CBIR 648)..... 100,000
Southeast Florida Gang Activity Prevention (CBIR 377)..... 250,000
Cape Coral Youth Crime Intervention Program (CBIR 343)..... 50,000
Runaway / Youth Crisis Shelter (CBIR 3178)..... 150,000
Miami Love Youth-at-Risk (CBIR 1069)..... 200,000
Community Coalition Prevention/Intervention Pgm (CBIR 1577). 385,000
Adult Mankind Org. Prevention/Intervention Pgm (CBIR 1787).. 750,000
Youth Co-op (CBIR 1872)..... 100,000
Enhancement of Community Policing through Community
Schooling (CBIR 1196)..... 100,000
Youth Crime Prevention Initiative (CBIR 2954)..... 50,000
PAR Adolescent Intervention Center (PAIC) - (CBIR 847) -
Pasco County..... 725,000
The Phoenix Project - Dade..... 75,000
East Unit Of The Boys & Girls Club Of Pasco County..... 100,000
Saber's Assistance To Youth - Dade..... 100,000
Kids In Domestic Situations - Pasco..... 200,000
Eckerd Youth Alternatives, Inc. - Early Intervention
Enhancement (Prevention)..... 450,000
SER Jobs For Progress - Dade..... 100,000
Escambia After School Education & Training Program..... 50,000
Putnam County Past Program..... 50,000
Boys & Girls' Club Of Monroe County..... 25,000
Boys & Girls' Club Of Nassau County..... 100,000
Miami Rivers Of Life/Renewing The Vision (CBIR 3266)..... 100,000
Multi-Systemic Therapy - Escambia..... 100,000
R.T.P.E.D.C Computer Education Lab - Dade (CBIR 826)..... 149,072
Early Truancy Prevention Project - Lee (CBIR 404)..... 100,000
Youth Challenge Center - Statewide..... 200,000
Big Brothers/Big Sisters Of NW Florida - Escambia, Okaloosa,
Santa Rosa, Walton (CBIR 399)..... 8,000
Volusia Bridges (CBIR 918)..... 100,000
Volusia Class (CBIR 964)..... 100,000

SECTION 4
SPECIFIC
APPROPRIATION

Cross Creek Youth Commission - St. Johns (CBIR 3250)..... 50,000
Alternative Diversion And Prevention Training - Brevard
(CBIR 35)..... 150,000
Florida Keys Juvenile Services - Monroe (CBIR 3322)..... 20,000
Faith In Families/Family Focused Juvenile Drug Court
Services - Escambia (CBIR 228)..... 150,000
Monroe County Youth Challenge (CBIR 3327)..... 20,000
Broward Truancy Intervention Program..... 50,000

Funds in Specific Appropriation 1233A, from nonrecurring General Revenue are allocated as follows:

Quality Life Center of Southwest Florida, Inc (CBIR 189).... 100,000
The Amer-I-Can Program - Broward & Dade..... 500,000
Melbourne Police Athletic League (CBIR 57)..... 150,000
Professional Opportunities Program For Students - Orange
(CBIR 1403)..... 600,000
Monroe County At - Risk Youth..... 60,000
Brevard Sheriff's Police Athletic League..... 50,000

1234 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,460,772
FROM GRANTS AND DONATIONS TRUST FUND 12,528,259
FROM SOCIAL SERVICES BLOCK GRANT TRUST
FUND 2,639

1234A SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 116,907

1235 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN
NEED OF SERVICES
FROM GENERAL REVENUE FUND 32,834,601
FROM GRANTS AND DONATIONS TRUST FUND 4,000,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST
FUND 383,858

From the funds in Specific Appropriation 1235, \$500,000 from nonrecurring General Revenue is provided to increase substance abuse and mental health treatment services (CBIR 2130).

Funds in Specific Appropriation 1235, from the Grants and Donations Trust Fund, are provided to continue CINS/FINS services. If Federal Title IV-E earnings do not materialize in the amount of \$2,400,000, the department is directed to transfer General Revenue from Specific Appropriation 1200 to Specific Appropriation 1235 to ensure that funding for services in the CINS/FINS program occurs is not reduced.

TOTAL: DELINQUENCY PREVENTION AND DIVERSION
FROM GENERAL REVENUE FUND 59,835,452
FROM TRUST FUNDS 20,121,567

TOTAL POSITIONS 94
TOTAL ALL FUNDS 79,957,019

LAW ENFORCEMENT, DEPARTMENT OF

PROGRAM: OFFICE OF EXECUTIVE DIRECTOR AND BUSINESS SUPPORT PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1248 SALARIES AND BENEFITS POSITIONS 140
FROM GENERAL REVENUE FUND 5,962,671
FROM CRIMINAL JUSTICE STANDARDS AND
TRAINING TRUST FUND 213,807
FROM GRANTS AND DONATIONS TRUST FUND 404,308
FROM OPERATING TRUST FUND 651,950

1249 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,190

SECTION 4		
SPECIFIC		
APPROPRIATION		
	FROM GRANTS AND DONATIONS TRUST FUND . . .	426,848
	FROM OPERATING TRUST FUND	124,000
1250	EXPENSES	
	FROM GENERAL REVENUE FUND	1,145,441
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND	43,235
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND	251,750
	FROM GRANTS AND DONATIONS TRUST FUND . . .	112,301
	FROM OPERATING TRUST FUND	150,453
	FROM REVOLVING TRUST FUND	1,000,000
1250A	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	19,118,106
1250B	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE AGENCIES	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	9,035,240
1250C	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	2,683,102
1250D	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	1,529,434
1251	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	27,020
	FROM GRANTS AND DONATIONS TRUST FUND . . .	4,000
	FROM OPERATING TRUST FUND	250
1252	SPECIAL CATEGORIES	
	ACQUISITION OF MOTOR VEHICLES	
	FROM GENERAL REVENUE FUND	10,052
1252A	SPECIAL CATEGORIES	
	GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	4,497,908
1252B	SPECIAL CATEGORIES	
	GRANTS AND AIDS - PROJECT DARE	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	508,302
1252C	SPECIAL CATEGORIES	
	TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	100,000
1253	SPECIAL CATEGORIES	
	OVERTIME	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND	748
1254	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	15,075
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND	1,994
	FROM GRANTS AND DONATIONS TRUST FUND . . .	2,715
	FROM OPERATING TRUST FUND	2,406
1255	SPECIAL CATEGORIES	
	SALARY INCENTIVE PAYMENTS	
	FROM GENERAL REVENUE FUND	19,667

SECTION 4		
SPECIFIC		
APPROPRIATION		
1255A	SPECIAL CATEGORIES	
	GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - LOCAL UNITS OF GOVERNMENT	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	949,132
1255B	SPECIAL CATEGORIES	
	GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - STATE AGENCY	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	1,907,847
1255C	SPECIAL CATEGORIES	
	GRANTS AND AID - LOCAL LAW ENFORCEMENT BLOCK GRANT - LOCAL UNITS OF GOVERNMENT	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	526,770
1255D	SPECIAL CATEGORIES	
	GRANTS AND AID - VIOLENT OFFENDER INCARCERATIONS AND TRUTH-IN- SENTENCING INCENTIVE PROGRAM - STATE AGENCY	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	42,804,137
1256	SPECIAL CATEGORIES	
	VIOLENT CRIME INVESTIGATIVE EMERGENCIES	
	FROM GENERAL REVENUE FUND	2,500,000
	FROM OPERATING TRUST FUND	500,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	9,718,116
	FROM TRUST FUNDS	87,550,743
	TOTAL POSITIONS	140
	TOTAL ALL FUNDS	97,268,859

PROGRAM: CRIMINAL JUSTICE INVESTIGATIONS AND FORENSIC SCIENCE

From the funds in Specific Appropriations 1259 through 1280E, 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:

=====	
Performance	FY 2001-2002
Measures - Outcomes	Standards

Number/percentage of criminal investigations closed resulting in an arrest.....	826/67%
Number/percentage of closed criminal investigations resolved.....	1,069/87%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

CRIME LABORATORY SERVICES		
1259	SALARIES AND BENEFITS	POSITIONS 376
	FROM GENERAL REVENUE FUND	18,779,892
	FROM GRANTS AND DONATIONS TRUST FUND . . .	225,022
1260	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	177,225
	FROM GRANTS AND DONATIONS TRUST FUND . . .	900,000
1261	EXPENSES	
	FROM GENERAL REVENUE FUND	4,165,130
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND	439,978
	FROM GRANTS AND DONATIONS TRUST FUND . . .	324,729

SECTION 4			
SPECIFIC APPROPRIATION			
1262	AID TO LOCAL GOVERNMENTS CRIMINAL INVESTIGATIONS FROM OPERATING TRUST FUND		2,379,702
1263	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	389,378	385,270
1264	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	176,000	22,400
1265	SPECIAL CATEGORIES PERFORMANCE ADJUSTMENTS FROM GENERAL REVENUE FUND	418,646	
1266	SPECIAL CATEGORIES OVERTIME FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
1267	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	126,371	
TOTAL:	CRIME LABORATORY SERVICES FROM GENERAL REVENUE FUND FROM TRUST FUNDS	24,232,642	4,727,101
	TOTAL POSITIONS	376	
	TOTAL ALL FUNDS		28,959,743

INVESTIGATIVE SERVICES

1268	SALARIES AND BENEFITS	POSITIONS	633
	FROM GENERAL REVENUE FUND	37,844,285	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,320,989
	FROM OPERATING TRUST FUND		799,847
1269	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . . FROM OPERATING TRUST FUND	751,271	66,879 359,460 36,000
1270	EXPENSES FROM GENERAL REVENUE FUND FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . . FROM OPERATING TRUST FUND	9,864,436	812,234 1,052,985 375,531

From the funds in Specific Appropriation 1270, \$75,000 from the Grants and Donations Trust Fund is provided to increase Byrne grant funding for the Operation Riverwalk Task Force.

From the funds provided in Specific Appropriation 1270 from the Forfeiture and Investigative Support Trust Fund, up to \$25,000 per case, but not exceeding \$150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.

1271	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	93,846	190,574 64,509
1273	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND	512,348	580,000

SECTION 4			
SPECIFIC APPROPRIATION			
1274	SPECIAL CATEGORIES PERFORMANCE ADJUSTMENTS FROM GENERAL REVENUE FUND		117,000
1274A	SPECIAL CATEGORIES GRANTS AND AIDS - SPECIAL PROJECTS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	260,000	100,000
1275	SPECIAL CATEGORIES OVERTIME FROM GRANTS AND DONATIONS TRUST FUND . . . FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		377,223 868,486

From the funds in Specific Appropriation 1274A, \$35,000 in nonrecurring General Revenue is appropriated for the City of Coconut Creek K-9 Training Field and Kennel(CBIR 549), \$125,000 in nonrecurring General Revenue is appropriated for the Firearms Range and Training Area for the City of Coconut Creek (CBIR 553), and \$100,000 from recurring General Revenue is provided for A Child Is Missing (CBIR 307).

From Specific Appropriation 1274A, \$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 in the FDLE Jacksonville Region.

From the funds in Specific Appropriation 1275, \$177,223 from the Grants and Donations Trust Fund is provided to increase Byrne grant funding for overtime expenditures associated with the Operation Riverwalk Task Force.

1276	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND FROM OPERATING TRUST FUND	274,624	1,509 1,133
1277	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND . . .	490,118	3,120
TOTAL:	INVESTIGATIVE SERVICES FROM GENERAL REVENUE FUND FROM TRUST FUNDS	50,207,928	7,010,479
	TOTAL POSITIONS	633	
	TOTAL ALL FUNDS		57,218,407

MUTUAL AID AND PREVENTION SERVICES

1278	SALARIES AND BENEFITS	POSITIONS	17
	FROM GENERAL REVENUE FUND	1,058,113	
1279	EXPENSES FROM GENERAL REVENUE FUND		139,448
1280	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		20,484
TOTAL:	MUTUAL AID AND PREVENTION SERVICES FROM GENERAL REVENUE FUND	1,218,045	
	TOTAL POSITIONS	17	
	TOTAL ALL FUNDS		1,218,045

PUBLIC ASSISTANCE FRAUD INVESTIGATIONS

1280A	SALARIES AND BENEFITS	POSITIONS	119
	FROM GENERAL REVENUE FUND	2,765,677	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,858,512

SECTION 4
SPECIFIC
APPROPRIATION

1280B	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	16,406	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		544
1280C	EXPENSES		
	FROM GENERAL REVENUE FUND	578,415	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		475,996
1280D	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	104,227	
1280E	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	114,204	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		109,722
TOTAL:	PUBLIC ASSISTANCE FRAUD INVESTIGATIONS		
	FROM GENERAL REVENUE FUND	3,578,929	
	FROM TRUST FUNDS		3,444,774
	TOTAL POSITIONS	119	
	TOTAL ALL FUNDS		7,023,703

PROGRAM: CRIMINAL JUSTICE INFORMATION

From the funds in Specific Appropriations 1281 through 1295A, the Criminal Justice Information Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	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 2001-2002 Implementing Bill and are incorporated herein by reference.	

NETWORK SERVICES

1281	SALARIES AND BENEFITS	POSITIONS	108
	FROM GENERAL REVENUE FUND		3,877,642
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		81,968
	FROM OPERATING TRUST FUND		470,809
1282	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,816,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		780,835
	FROM OPERATING TRUST FUND		1,170,000
1283	EXPENSES		
	FROM GENERAL REVENUE FUND	3,861,991	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		4,008
	FROM GRANTS AND DONATIONS TRUST FUND . . .		82,459
	FROM OPERATING TRUST FUND		7,010,375

Funds are provided in Specific Appropriation 1282 to continue the development of the Integrated Criminal History System which shall be subject to special monitoring under s. 282.322, Florida Statutes. From the funds in Specific Appropriation 1282, \$150,000 from the General Revenue Fund is provided for the project monitoring contract. Funds equal to the project monitoring contract amount shall be transferred to the Technology Review Workgroup within the Legislature pursuant to the provisions of Chapter 216, Florida Statutes.

SECTION 4
SPECIFIC
APPROPRIATION

1284	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		438,958
	FROM OPERATING TRUST FUND		5,362,992
1285	SPECIAL CATEGORIES		
	OVERTIME		
	FROM OPERATING TRUST FUND		46,200
1286	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,118	
	FROM OPERATING TRUST FUND		2,464
1287A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM OPERATING TRUST FUND		26,740
TOTAL:	NETWORK SERVICES		
	FROM GENERAL REVENUE FUND	9,560,751	
	FROM TRUST FUNDS		15,477,808
	TOTAL POSITIONS	108	
	TOTAL ALL FUNDS		25,038,559

PREVENTION AND CRIME INFORMATION SERVICES

Funds in Specific Appropriations 1289 through 1295A 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.

1289	SALARIES AND BENEFITS	POSITIONS	269
	FROM GENERAL REVENUE FUND		1,735,067
	FROM GRANTS AND DONATIONS TRUST FUND . . .		317,473
	FROM OPERATING TRUST FUND		7,613,453
1290	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	56,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		365,275
	FROM OPERATING TRUST FUND		320,611
1291	EXPENSES		
	FROM GENERAL REVENUE FUND	963,274	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		415,435
	FROM OPERATING TRUST FUND		1,094,464
1292	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	11,557	
	FROM OPERATING TRUST FUND		294,022
1293	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	53,400	
	FROM OPERATING TRUST FUND		40,170
1294	SPECIAL CATEGORIES		
	OVERTIME		
	FROM OPERATING TRUST FUND		218,946
1295	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	25,098	
	FROM OPERATING TRUST FUND		34,411
1295A	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	5,160	
TOTAL:	PREVENTION AND CRIME INFORMATION SERVICES		
	FROM GENERAL REVENUE FUND	2,849,556	
	FROM TRUST FUNDS		10,714,260

SECTION 4 SPECIFIC APPROPRIATION	TOTAL POSITIONS	269	
	TOTAL ALL FUNDS		13,563,816

PROGRAM: CRIMINAL JUSTICE PROFESSIONALISM

From the funds in Specific Appropriations 1296 through 1307, the Criminal Justice Professionalism Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
Number/percentage of individuals who pass the basic professionalism certification examination for law enforcement officers, correctional officers, and correctional probation officers.....	4,500/75%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

LAW ENFORCEMENT STANDARDS COMPLIANCE

1296	SALARIES AND BENEFITS	POSITIONS	65	
	FROM GENERAL REVENUE FUND		710,217	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			2,194,711
1297	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		18,000	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			337,465
1298	EXPENSES			
	FROM GENERAL REVENUE FUND		164,516	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			288,716
	FROM OPERATING TRUST FUND			500,000
1299	SPECIAL CATEGORIES			
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			42,655
1300	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			13,586
1301	SPECIAL CATEGORIES			
	GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING			
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			7,434,460
TOTAL:	LAW ENFORCEMENT STANDARDS COMPLIANCE			
	FROM GENERAL REVENUE FUND		892,733	
	FROM TRUST FUNDS			10,811,593
	TOTAL POSITIONS		65	
	TOTAL ALL FUNDS			11,704,326

LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES

1302	SALARIES AND BENEFITS	POSITIONS	52	
	FROM GENERAL REVENUE FUND		183,526	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			2,349,106
	FROM OPERATING TRUST FUND			53,011

SECTION 4 SPECIFIC APPROPRIATION	1303 OTHER PERSONAL SERVICES		
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,042,618
	FROM OPERATING TRUST FUND		33,000
1304	EXPENSES		
	FROM GENERAL REVENUE FUND	21,368	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,799,093
	FROM OPERATING TRUST FUND		52,208

From the funds provided in Specific Appropriations 1303 and 1304, the Department may spend up to \$50,000 from the Criminal Justice Standards and Training Trust Fund to evaluate the effectiveness of the Drug Abuse Resistance Education (DARE) Program. The department shall report the findings of their evaluation to the Senate Appropriations Committee and the House Fiscal Responsibility Council by January 1, 2002.

1305	OPERATING CAPITAL OUTLAY		
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		203,819
1306	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		7,486
1307	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	4,290	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		5,070
TOTAL:	LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES		
	FROM GENERAL REVENUE FUND	209,184	
	FROM TRUST FUNDS		5,545,411
	TOTAL POSITIONS	52	
	TOTAL ALL FUNDS		5,754,595

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

PROGRAM: OFFICE OF ATTORNEY GENERAL

From the funds in Specific Appropriations 1313 through 1353, 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 2001-2002 Standards
Average number of days for opinion response.....	29
Percent of mediated open government cases resolved in 3 weeks or less.....	70%
Percent of lemon law cases resolved in less than 1 year.....	80%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

CIVIL ENFORCEMENT

1313	SALARIES AND BENEFITS	POSITIONS	420	
	FROM GENERAL REVENUE FUND		3,278,605	
	FROM CONSUMER FRAUDS TRUST FUND			919,754
	FROM GRANTS AND DONATIONS TRUST FUND			5,850,884

SECTION 4	
SPECIFIC	
APPROPRIATION	
FROM LEGAL SERVICES TRUST FUND	6,600,962
FROM LEGAL AFFAIRS REVOLVING TRUST FUND	2,739,810
FROM MOTOR VEHICLE WARRANTY TRUST FUND	1,142,212
1314 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND	44,720
FROM GRANTS AND DONATIONS TRUST FUND	134,158
FROM LEGAL SERVICES TRUST FUND	249,901
FROM MOTOR VEHICLE WARRANTY TRUST FUND	150,000
1315 EXPENSES	
FROM GENERAL REVENUE FUND	330,870
FROM CONSUMER FRAUDS TRUST FUND	2,562
FROM GRANTS AND DONATIONS TRUST FUND	1,178,657
FROM LEGAL SERVICES TRUST FUND	1,454,554
FROM LEGAL AFFAIRS REVOLVING TRUST FUND	48,393
FROM MOTOR VEHICLE WARRANTY TRUST FUND	430,923
FROM REVOLVING ESCROW TRUST FUND	8,913
From the funds in Specific Appropriations 1313 and 1315, 3 FTE and \$181,015 from recurring General Revenue are provided to increase, and not supplant, the current level of funding and FTE presently allocated to the Office of Civil Rights within the Department of Legal Affairs. These additional FTE and resources shall focus on predatory mortgage lending and other types of economic discrimination, as well as accessible housing and bias crime prevention with particular attention paid to the discrimination of women, senior citizens and those with physical and mental handicaps. By January 1, 2002, the department shall report:	
1) the total number of cases opened and closed for the period of July 1, 2001 through January 1, 2002,	
2) the type of cases opened and the number of hours spent on civil rights case investigations, legal research, and legal representation.	
1316 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND	57,883
FROM CONSUMER FRAUDS TRUST FUND	11,940
FROM GRANTS AND DONATIONS TRUST FUND	304,458
FROM LEGAL SERVICES TRUST FUND	359,664
FROM LEGAL AFFAIRS REVOLVING TRUST FUND	27,483
FROM MOTOR VEHICLE WARRANTY TRUST FUND	21,592
1318 SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES	
FROM GENERAL REVENUE FUND	48,942
FROM GRANTS AND DONATIONS TRUST FUND	222,458
1318A SPECIAL CATEGORIES	
ANTITRUST INVESTIGATIONS	
FROM LEGAL AFFAIRS REVOLVING TRUST FUND	1,470,011
1318B SPECIAL CATEGORIES	
CONSUMER FRAUD INVESTIGATIONS	
FROM CONSUMER FRAUDS TRUST FUND	528,290
FROM LEGAL AFFAIRS REVOLVING TRUST FUND	134,126
1319 SPECIAL CATEGORIES	
ECONOMIC CRIME LITIGATION	
FROM LEGAL AFFAIRS REVOLVING TRUST FUND	984,252
1319A SPECIAL CATEGORIES	
RICO INVESTIGATIONS	
FROM LEGAL AFFAIRS REVOLVING TRUST FUND	737,055
1320 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GRANTS AND DONATIONS TRUST FUND	40,933
FROM LEGAL SERVICES TRUST FUND	68,274
FROM LEGAL AFFAIRS REVOLVING TRUST FUND	19,263
FROM MOTOR VEHICLE WARRANTY TRUST FUND	12,039

SECTION 4	
SPECIFIC	
APPROPRIATION	
1321 SPECIAL CATEGORIES	
SALARY INCENTIVE PAYMENTS	
FROM GRANTS AND DONATIONS TRUST FUND	46,343
1321A DATA PROCESSING SERVICES	
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES	
FROM LEGAL AFFAIRS REVOLVING TRUST FUND	7,448
1322 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	3,773,503
FROM TRUST FUNDS	26,134,393
TOTAL POSITIONS	420
TOTAL ALL FUNDS	29,907,896
CONSTITUTIONAL LEGAL SERVICES	
1324 SALARIES AND BENEFITS	POSITIONS 14
FROM GENERAL REVENUE FUND	907,629
FROM GRANTS AND DONATIONS TRUST FUND	77,305
1325 EXPENSES	
FROM GENERAL REVENUE FUND	157,142
1326 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND	16,510
TOTAL: CONSTITUTIONAL LEGAL SERVICES	
FROM GENERAL REVENUE FUND	1,081,281
FROM TRUST FUNDS	77,305
TOTAL POSITIONS	14
TOTAL ALL FUNDS	1,158,586
CRIMINAL AND CIVIL LITIGATION DEFENSE	
1327 SALARIES AND BENEFITS	POSITIONS 435
FROM GENERAL REVENUE FUND	13,629,541
FROM LEGAL SERVICES TRUST FUND	8,003,592
1328 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND	74,287
FROM LEGAL SERVICES TRUST FUND	2,956,211
1329 EXPENSES	
FROM GENERAL REVENUE FUND	1,916,534
FROM LEGAL SERVICES TRUST FUND	1,967,143
From the Funds in Specific Appropriations 1327 and 1329, up to \$440,893 in the Legal Services Trust Fund shall be supported by a contract with the Department of Revenue for ongoing tax litigation defense.	
1330 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND	6,604
FROM LEGAL SERVICES TRUST FUND	261,174
1330A LUMP SUM	
ATTORNEY GENERAL RESERVE POSITIONS FOR AGENCY CONTRACTS	POSITIONS 100

The positions in Specific Appropriation 1330A shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation.

SECTION 4			
SPECIFIC			
APPROPRIATION			
1331	SPECIAL CATEGORIES		
	LITIGATION EXPENSES		
	FROM GENERAL REVENUE FUND	46,500	
1332	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM LEGAL SERVICES TRUST FUND		59,341
1333	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM LEGAL SERVICES TRUST FUND		30,972
TOTAL:	CRIMINAL AND CIVIL LITIGATION DEFENSE		
	FROM GENERAL REVENUE FUND	15,673,466	
	FROM TRUST FUNDS		13,278,433
	TOTAL POSITIONS	535	
	TOTAL ALL FUNDS		28,951,899

VICTIM SERVICES

1334	SALARIES AND BENEFITS	POSITIONS	85
	FROM FLORIDA MOTOR VEHICLE THEFT		
	PREVENTION TRUST FUND		325,949
	FROM CRIMES COMPENSATION TRUST FUND		3,970,933
	FROM CRIME STOPPERS TRUST FUND		38,497
	FROM FLORIDA CRIME PREVENTION TRAINING		
	INSTITUTE REVOLVING TRUST FUND		263,778
1335	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		140,573
1336	EXPENSES		
	FROM GENERAL REVENUE FUND	352	
	FROM FLORIDA MOTOR VEHICLE THEFT		
	PREVENTION TRUST FUND		170,057
	FROM CRIMES COMPENSATION TRUST FUND		762,281
	FROM CRIME STOPPERS TRUST FUND		6,712
	FROM FLORIDA CRIME PREVENTION TRAINING		
	INSTITUTE REVOLVING TRUST FUND		217,179
1337	OPERATING CAPITAL OUTLAY		
	FROM FLORIDA MOTOR VEHICLE THEFT		
	PREVENTION TRUST FUND		5,380
	FROM CRIMES COMPENSATION TRUST FUND		67,721
	FROM FLORIDA CRIME PREVENTION TRAINING		
	INSTITUTE REVOLVING TRUST FUND		3,930
1338	SPECIAL CATEGORIES		
	AWARDS TO CLAIMANTS		
	FROM CRIMES COMPENSATION TRUST FUND		22,558,000

From the funds in Specific Appropriation 1338, the Attorney General is directed to give priority to the payment of claims for the forensic examinations for victims of sexual assault.

1339	SPECIAL CATEGORIES		
	FAMILY VIOLENCE - LEGAL ASSISTANCE		
	FROM CRIMES COMPENSATION TRUST FUND		150,000
1340	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MINORITY COMMUNITIES		
	CRIME PREVENTION PROGRAMS		
	FROM GENERAL REVENUE FUND	3,929,163	
1341	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MOTOR VEHICLE THEFT		
	PREVENTION		
	FROM FLORIDA MOTOR VEHICLE THEFT		
	PREVENTION TRUST FUND		2,142,669

SECTION 4			
SPECIFIC			
APPROPRIATION			
1342	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CRIME STOPPERS		
	FROM CRIME STOPPERS TRUST FUND		4,000,000
1343	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CRIMES COMPENSATION TRUST FUND		28,894
1344	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VICTIM ASSISTANCE		
	SERVICES		
	FROM CRIMES COMPENSATION TRUST FUND		19,399,000
TOTAL:	VICTIM SERVICES		
	FROM GENERAL REVENUE FUND	3,929,515	
	FROM TRUST FUNDS		54,337,504
	TOTAL POSITIONS	85	
	TOTAL ALL FUNDS		58,267,019

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1345	SALARIES AND BENEFITS	POSITIONS	116
	FROM GENERAL REVENUE FUND		4,499,295
	FROM ADMINISTRATIVE TRUST FUND		1,194,110
	FROM CRIMES COMPENSATION TRUST FUND		225,957
	FROM LEGAL SERVICES TRUST FUND		34,327
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND		81,756
	FROM MOTOR VEHICLE WARRANTY TRUST FUND		37,132
1346	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	24,687	
	FROM ADMINISTRATIVE TRUST FUND		133,904
1347	EXPENSES		
	FROM GENERAL REVENUE FUND	442,146	
	FROM ADMINISTRATIVE TRUST FUND		1,269,535
	FROM CRIMES COMPENSATION TRUST FUND		918
1348	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - DADE COUNTY HAITIAN		
	REFUGEE CENTER		
	FROM GENERAL REVENUE FUND		10,000
1349	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	299,313	
	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

1350	SPECIAL CATEGORIES		
	ATTORNEY GENERAL'S LAW LIBRARY		
	FROM GENERAL REVENUE FUND	306,728	
1351	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM GENERAL REVENUE FUND	7,937	
	FROM ADMINISTRATIVE TRUST FUND		6,595
1352	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	124,881	
	FROM ADMINISTRATIVE TRUST FUND		12,039

SECTION 4
SPECIFIC
APPROPRIATION

1353	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	146,965	
	FROM ADMINISTRATIVE TRUST FUND		157,876
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	5,861,952	
	FROM TRUST FUNDS		3,950,526
	TOTAL POSITIONS	116	
	TOTAL ALL FUNDS		9,812,478

PROGRAM: OFFICE OF STATEWIDE PROSECUTION

From the funds in Specific Appropriations 1354 through 1356, 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 2001-2002 Standards
Of the defendants who reached disposition, the number of those convicted.....	394
Conviction rate per defendants who reached final adjudication.....	90.0%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME

1354	SALARIES AND BENEFITS	POSITIONS	70
	FROM GENERAL REVENUE FUND		4,824,428
	FROM GRANTS AND DONATIONS TRUST FUND		79,640
1355	SPECIAL CATEGORIES		
	STATEWIDE PROSECUTION		
	FROM GENERAL REVENUE FUND	1,051,237	
	FROM GRANTS AND DONATIONS TRUST FUND		87,203
From Specific Appropriation 1355, \$150,000 in nonrecurring General Revenue is appropriated to fund an initiative to study design methods and procedures to make the Florida driver's license more resistant to tampering and counterfeiting. The Statewide Prosecutor shall lead this initiative and may request the aid of the Department of Highway Safety and Motor Vehicles, the Florida Department of Law Enforcement and other agencies deemed appropriate to cooperate in this effort.			
1356	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	22,177	
TOTAL: PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME			
	FROM GENERAL REVENUE FUND	5,897,842	
	FROM TRUST FUNDS		166,843
	TOTAL POSITIONS	70	
	TOTAL ALL FUNDS		6,064,685

PROGRAM: FLORIDA ELECTIONS COMMISSION

CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT

1357	SALARIES AND BENEFITS	POSITIONS	16
	FROM ELECTIONS COMMISSION TRUST FUND		811,938

SECTION 4
SPECIFIC
APPROPRIATION

1358	OTHER PERSONAL SERVICES		
	FROM ELECTIONS COMMISSION TRUST FUND		80,148
1359	EXPENSES		
	FROM ELECTIONS COMMISSION TRUST FUND		236,749
TOTAL: CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT			
	FROM TRUST FUNDS		1,128,835
	TOTAL POSITIONS	16	
	TOTAL ALL FUNDS		1,128,835

PAROLE COMMISSION

PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS

Funds provided in Specific Appropriations 1361 through 1366 are provided to continue support services provided by the Parole Commission to the Office of Executive Clemency and other statutorily authorized duties and responsibilities.

1361	SALARIES AND BENEFITS	POSITIONS	147
	FROM GENERAL REVENUE FUND		6,608,681
1362	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		270,531
1363	EXPENSES		
	FROM GENERAL REVENUE FUND		1,169,373
1364	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		58,930
1365	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		87,634
1365A	DATA PROCESSING SERVICES		
	LAW ENFORCEMENT DATA CENTER		
	FROM GENERAL REVENUE FUND		1,932
1366	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		8,515,005
	TOTAL POSITIONS	147	
	TOTAL ALL FUNDS		8,515,005
TOTAL OF SECTION 4		POSITIONS	44,016
FROM GENERAL REVENUE FUND			2702,676,738
FROM TRUST FUNDS			515,223,050
TOTAL ALL FUNDS			3217,899,788

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

SECTION 5
 SPECIFIC
 APPROPRIATION
 PROGRAM: OFFICE OF THE COMMISSIONER AND
 ADMINISTRATION

AGRICULTURAL LAW ENFORCEMENT

1367	SALARIES AND BENEFITS	POSITIONS	39	
	FROM GENERAL REVENUE FUND		2,233,592	
	FROM CITRUS INSPECTION TRUST FUND			243,983
	FROM GENERAL INSPECTION TRUST FUND			2,169
1368	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		15,000	
1369	EXPENSES			
	FROM GENERAL REVENUE FUND		463,242	
	FROM GENERAL INSPECTION TRUST FUND			13,911
1370	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM GENERAL REVENUE FUND		66,000	
1371	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		46,578	
1372	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		32,932	
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST			
	FUND			4,607
	FROM GENERAL INSPECTION TRUST FUND			881
TOTAL:	AGRICULTURAL LAW ENFORCEMENT			
	FROM GENERAL REVENUE FUND		2,857,344	
	FROM TRUST FUNDS			265,551
	TOTAL POSITIONS		39	
	TOTAL ALL FUNDS			3,122,895

AGRICULTURAL WATER POLICY COORDINATION

1373	SALARIES AND BENEFITS	POSITIONS	32	
	FROM GENERAL REVENUE FUND		980,962	
	FROM GENERAL INSPECTION TRUST FUND			738,881
1375	EXPENSES			
	FROM GENERAL REVENUE FUND		84,952	
	FROM GENERAL INSPECTION TRUST FUND			309,851
1375A	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - SOIL AND WATER COST			
	SHARING PROGRAM			
	FROM GENERAL REVENUE FUND		50,000	
<p>From the funds in Specific Appropriation 1375A, \$50,000 from the General Revenue Fund shall be allocated by the department to mobile irrigation laboratory cost share programs with water management districts and other state, local and federal partners for agricultural water conservation.</p>				
1376	OPERATING CAPITAL OUTLAY			
	FROM GENERAL INSPECTION TRUST FUND			10,500
1377	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM GENERAL INSPECTION TRUST FUND			168,000
1377A	SPECIAL CATEGORIES			
	ANIMAL WASTE MANAGEMENT			
	FROM GENERAL INSPECTION TRUST FUND			200,000

SECTION 5
 SPECIFIC
 APPROPRIATION

1378	SPECIAL CATEGORIES			
	BEST MANAGEMENT PRACTICES - COST SHARE			
	FROM GENERAL INSPECTION TRUST FUND			14,489,143
TOTAL:	AGRICULTURAL WATER POLICY COORDINATION			
	FROM GENERAL REVENUE FUND		1,115,914	
	FROM TRUST FUNDS			15,916,375
	TOTAL POSITIONS		32	
	TOTAL ALL FUNDS			17,032,289

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1379	SALARIES AND BENEFITS	POSITIONS	230	
	FROM GENERAL REVENUE FUND		8,088,687	
	FROM ADMINISTRATIVE TRUST FUND			3,408,928
1380	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		73,463	
	FROM ADMINISTRATIVE TRUST FUND			160,352
1381	EXPENSES			
	FROM GENERAL REVENUE FUND		932,712	
	FROM ADMINISTRATIVE TRUST FUND			1,897,514
	FROM GENERAL INSPECTION TRUST FUND			155,000
1382	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		19,278	
	FROM ADMINISTRATIVE TRUST FUND			142,250
1383	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM ADMINISTRATIVE TRUST FUND			55,079
1384	SPECIAL CATEGORIES			
	TRANSFER TO DIVISION OF ADMINISTRATIVE			
	HEARINGS			
	FROM GENERAL REVENUE FUND		32,787	
	FROM ADMINISTRATIVE TRUST FUND			33,365
1385	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		131,122	
	FROM ADMINISTRATIVE TRUST FUND			5,073
1385A	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		4,000	
1385B	SPECIAL CATEGORIES			
	NORTH AMERICAN FREE TRADE AGREEMENT IMPACT			
	FROM GENERAL INSPECTION TRUST FUND			200,000
1385C	DATA PROCESSING SERVICES			
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF			
	MANAGEMENT SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			9,900
1386A	FIXED CAPITAL OUTLAY			
	ELEVATOR REPLACEMENT FOR MAYO AND CONNER			
	BUILDINGS			
	FROM ADMINISTRATIVE TRUST FUND			424,484
1386B	FIXED CAPITAL OUTLAY			
	REPLACE CONDENSING UNITS - LABS #4 & #5			
	LABORATORY COMPLEX - LEON CO.			
	FROM GENERAL INSPECTION TRUST FUND			77,865
1386C	FIXED CAPITAL OUTLAY			
	REPLACE CORRIDOR GLASS - CONNER COMPLEX -			
	DMS MGD			
	FROM GENERAL INSPECTION TRUST FUND			268,085

SECTION 5			
SPECIFIC			
APPROPRIATION			
1387	FIXED CAPITAL OUTLAY		
	REPLACE CHILLER - MAYO BUILDING - DMS MGD		
	FROM GENERAL REVENUE FUND	345,950	
	FROM GENERAL INSPECTION TRUST FUND		740,006
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	9,627,999	
	FROM TRUST FUNDS		7,577,901
	TOTAL POSITIONS	230	
	TOTAL ALL FUNDS		17,205,900

PROGRAM: FOREST AND RESOURCE PROTECTION

From the funds in Specific Appropriations 1389 through 1415, 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 2001-2002 Standards
1. Number of acres of forest lands protected from wildfires	25,100,000
2. Number of wildfires detected and suppressed	5,000

Additional approved measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

LAND MANAGEMENT

1389	SALARIES AND BENEFITS	POSITIONS	459
	FROM GENERAL REVENUE FUND		9,495,072
	FROM CONTRACTS AND GRANTS TRUST FUND		405,336
	FROM INCIDENTAL TRUST FUND		2,048,604
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		5,286,354
1390	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		310,950
1391	EXPENSES		
	FROM CONTRACTS AND GRANTS TRUST FUND		1,482,071
	FROM INCIDENTAL TRUST FUND		2,577,663
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		3,350,103
1392	AID TO LOCAL GOVERNMENTS		
	AMERICA THE BEAUTIFUL PROGRAM		
	FROM CONTRACTS AND GRANTS TRUST FUND		1,747,538
1393	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - PLANT A TREE PROGRAM		
	FROM CONTRACTS AND GRANTS TRUST FUND		200,000
1394	AID TO LOCAL GOVERNMENTS		
	STATE FOREST RECEIPT DISTRIBUTION		
	FROM INCIDENTAL TRUST FUND		700,050
1394A	AID TO LOCAL GOVERNMENTS		
	SOUTHERN PINE BEETLE SUPPRESSION PROGRAM - HERNANDO COUNTY		
	FROM GENERAL REVENUE FUND		132,500
1395	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		53,433
	FROM CONTRACTS AND GRANTS TRUST FUND		207,200

SECTION 5			
SPECIFIC			
APPROPRIATION			
	FROM INCIDENTAL TRUST FUND		185,583
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		106,500
1396	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INCIDENTAL TRUST FUND		100,000
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		897,000
1397	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	94,355	
	FROM INCIDENTAL TRUST FUND		11,601
1398	SPECIAL CATEGORIES		
	INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		2,544,152
1398A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM INCIDENTAL TRUST FUND		571
1400	FIXED CAPITAL OUTLAY		
	CROOM MOTOR CYCLE RECREATION AREA IMPROVEMENTS - WITHLACOCHEE FORESTRY CENTER - DMS MGD		
	FROM INCIDENTAL TRUST FUND		218,600
1401	FIXED CAPITAL OUTLAY		
	MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		200,000
1402	FIXED CAPITAL OUTLAY		
	GOETHE STATE FOREST		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		320,000
1403	FIXED CAPITAL OUTLAY		
	ADMINISTRATION BUILDING FOR LAKE WALES RIDGE STATE FOREST		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		450,000
1404	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE		
	FROM FLORIDA FOREVER PROGRAM TRUST FUND		4,500,000
1405	FIXED CAPITAL OUTLAY		
	FORESTRY LAND ACQUISITION - STATEWIDE		
	FROM INCIDENTAL TRUST FUND		110,000
TOTAL: LAND MANAGEMENT			
	FROM GENERAL REVENUE FUND	9,775,360	
	FROM TRUST FUNDS		28,641,052
	TOTAL POSITIONS	459	
	TOTAL ALL FUNDS		38,416,412
WILDFIRE PREVENTION AND MANAGEMENT			
1406	SALARIES AND BENEFITS	POSITIONS	741
	FROM GENERAL REVENUE FUND		27,773,905
	FROM CONTRACTS AND GRANTS TRUST FUND		764,473
	FROM INCIDENTAL TRUST FUND		223,382

SECTION 5 SPECIFIC APPROPRIATION		
1407	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM INCIDENTAL TRUST FUND	576,742 120,000
1408	EXPENSES FROM GENERAL REVENUE FUND FROM CONTRACTS AND GRANTS TRUST FUND FROM INCIDENTAL TRUST FUND	7,121,013 449,844 1,877,266
1409	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION FROM CONTRACTS AND GRANTS TRUST FUND	72,589
1410	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM INCIDENTAL TRUST FUND	99,233 250,000
1411	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND FROM INCIDENTAL TRUST FUND	500,000 1,000,000
1412	SPECIAL CATEGORIES ON-CALL FEES FROM GENERAL REVENUE FUND FROM INCIDENTAL TRUST FUND	333,296 10,000
1412A	SPECIAL CATEGORIES FIRE POTENTIAL INDEX (FPI) DEVELOPMENT AND IMPLEMENTATION FROM INCIDENTAL TRUST FUND	105,000
<p>Funds provided in Specific Appropriation 1412A shall be used for the development and implementation of a Fire Potential Index (FPI) in Florida. The Department's Division of Forestry shall work with the Florida State University's Meteorology Department to integrate diverse sources of weather data to produce the detailed daily weather analysis required to implement the FPI in Florida. The Division of Forestry is to contract with the Florida State University to complete the meteorological portion of the program at a cost of \$65,000. The remaining \$40,000 shall be utilized by the Division of Forestry to produce the Geographical Information System vegetation data and provide for a Polar orbiting satellite data receiver to collect daily fire data. The Division of Forestry is to provide project leadership and wildfire index expertise.</p>		
1413	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM INCIDENTAL TRUST FUND	849,195 104,409
1413A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM INCIDENTAL TRUST FUND	1,061
1414A	FIXED CAPITAL OUTLAY RELOCATE CRESTVIEW WORK CENTER FROM RELOCATION AND CONSTRUCTION TRUST FUND	304,000
1415	FIXED CAPITAL OUTLAY RELOCATE FORESTRY STATION - OCALA FROM RELOCATION AND CONSTRUCTION TRUST FUND	349,000
TOTAL:	WILDFIRE PREVENTION AND MANAGEMENT FROM GENERAL REVENUE FUND FROM TRUST FUNDS	37,253,384 5,631,024
	TOTAL POSITIONS TOTAL ALL FUNDS	741 42,884,408

SECTION 5 SPECIFIC APPROPRIATION		
PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER		
INFORMATION TECHNOLOGY		
1416	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM GENERAL INSPECTION TRUST FUND	44 1,146,192 1,208,583
1417	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	150,000
1418	EXPENSES FROM GENERAL REVENUE FUND FROM GENERAL INSPECTION TRUST FUND	1,771,130 2,307,065
1419	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM GENERAL INSPECTION TRUST FUND	151,270 254,000
1420	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL INSPECTION TRUST FUND	4,768
TOTAL: INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND FROM TRUST FUNDS	3,218,592 3,774,416
	TOTAL POSITIONS TOTAL ALL FUNDS	44 6,993,008

PROGRAM: FOOD SAFETY AND QUALITY

From the funds in Specific Appropriations 1421 through 1430A, 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 2001-2002 Standards
1. Percent of dairy establishments meeting food safety and sanitation requirements.....	83.8%
2. Percent of milk and dairy products analyzed that meet standards.....	92.1%
3. Percent of food establishments meeting food safety and sanitation requirements.....	90.6%
4. Percent of produce or food samples analyzed that meet pesticide residue standards.....	97.6%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT

1421	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	30 1,331,237
1422	EXPENSES FROM GENERAL REVENUE FUND	194,537
1423	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	14,000
1424	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	3,957
TOTAL:	DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT FROM GENERAL REVENUE FUND	1,543,731

SECTION 5 SPECIFIC APPROPRIATION			
	TOTAL POSITIONS	30	
	TOTAL ALL FUNDS		1,543,731
FOOD SAFETY INSPECTION AND ENFORCEMENT			
1425	SALARIES AND BENEFITS POSITIONS	274	
	FROM GENERAL REVENUE FUND	1,588,025	
	FROM CONTRACTS AND GRANTS TRUST FUND		1,596,424
	FROM GENERAL INSPECTION TRUST FUND		8,657,004
1426	OTHER PERSONAL SERVICES		
	FROM CONTRACTS AND GRANTS TRUST FUND		492,641
1427	EXPENSES		
	FROM GENERAL REVENUE FUND	633,395	
	FROM CONTRACTS AND GRANTS TRUST FUND		649,519
	FROM GENERAL INSPECTION TRUST FUND		979,664
1428	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	30,888	
	FROM CONTRACTS AND GRANTS TRUST FUND		274,000
	FROM GENERAL INSPECTION TRUST FUND		283,400
1429	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CONTRACTS AND GRANTS TRUST FUND		17,500
	FROM GENERAL INSPECTION TRUST FUND		77,400
1430	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	138,559	
	FROM CONTRACTS AND GRANTS TRUST FUND		38,444
	FROM GENERAL INSPECTION TRUST FUND		73,616
1430A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		9,206
TOTAL: FOOD SAFETY INSPECTION AND ENFORCEMENT			
	FROM GENERAL REVENUE FUND	2,390,867	
	FROM TRUST FUNDS		13,148,818
	TOTAL POSITIONS	274	
	TOTAL ALL FUNDS		15,539,685

PROGRAM: CONSUMER PROTECTION

From the funds in Specific Appropriations 1432 through 1447, 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 2001-2002 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	78%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

AGRICULTURAL ENVIRONMENTAL SERVICES

1432	SALARIES AND BENEFITS POSITIONS	206	
	FROM GENERAL REVENUE FUND	2,769,408	

SECTION 5 SPECIFIC APPROPRIATION			
	FROM CONTRACTS AND GRANTS TRUST FUND		215,646
	FROM GENERAL INSPECTION TRUST FUND		4,609,695
	FROM PEST CONTROL TRUST FUND		1,463,038
1433	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	3,500	
	FROM CONTRACTS AND GRANTS TRUST FUND		70,000
	FROM PEST CONTROL TRUST FUND		21,530
1434	EXPENSES		
	FROM GENERAL REVENUE FUND	830,479	
	FROM CONTRACTS AND GRANTS TRUST FUND		759,742
	FROM GENERAL INSPECTION TRUST FUND		575,550
	FROM PEST CONTROL TRUST FUND		373,092
1434A	AID TO LOCAL GOVERNMENTS		
	MOSQUITO CONTROL PROGRAM		
	FROM GENERAL INSPECTION TRUST FUND		2,628,598

From the funds provided in Specific Appropriation 1434A, \$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 1434A, \$350,000 from the General Inspection Trust Fund is provided for the control of nuisance chironomidae (blind mosquitoes) in Lake Monroe in Seminole County.

1435	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	8,070	
	FROM CONTRACTS AND GRANTS TRUST FUND		69,500
1436	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CONTRACTS AND GRANTS TRUST FUND		151,000
	FROM GENERAL INSPECTION TRUST FUND		48,000
	FROM PEST CONTROL TRUST FUND		36,000
1436A	SPECIAL CATEGORIES		
	NITRATE RESEARCH AND REMEDIATION		
	FROM GENERAL INSPECTION TRUST FUND		930,000
1437	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	44,302	

TOTAL: AGRICULTURAL ENVIRONMENTAL SERVICES			
	FROM GENERAL REVENUE FUND	3,655,759	
	FROM TRUST FUNDS		11,951,391
	TOTAL POSITIONS	206	
	TOTAL ALL FUNDS		15,607,150

CONSUMER PROTECTION

1438	SALARIES AND BENEFITS POSITIONS	116	
	FROM GENERAL REVENUE FUND	593,498	
	FROM GENERAL INSPECTION TRUST FUND		3,680,290

1439	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,216	
	FROM GENERAL INSPECTION TRUST FUND		38,513

1440	EXPENSES		
	FROM GENERAL REVENUE FUND	136,463	
	FROM CONTRACTS AND GRANTS TRUST FUND		8,518
	FROM GENERAL INSPECTION TRUST FUND		835,606

SECTION 5	
SPECIFIC	
APPROPRIATION	
1440A	OPERATING CAPITAL OUTLAY
	FROM GENERAL INSPECTION TRUST FUND
	3,000
1441	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM GENERAL REVENUE FUND
	34,524
TOTAL:	CONSUMER PROTECTION
	FROM GENERAL REVENUE FUND
	776,701
	FROM TRUST FUNDS
	4,565,927
	TOTAL POSITIONS
	116
	TOTAL ALL FUNDS
	5,342,628

STANDARDS AND PETROLEUM QUALITY INSPECTION	
1442	SALARIES AND BENEFITS POSITIONS
	FROM GENERAL REVENUE FUND
	2,173,782
	FROM GENERAL INSPECTION TRUST FUND
	5,289,882
1443	OTHER PERSONAL SERVICES
	FROM GENERAL INSPECTION TRUST FUND
	59,572
1444	EXPENSES
	FROM GENERAL REVENUE FUND
	407,780
	FROM GENERAL INSPECTION TRUST FUND
	1,796,319
1445	OPERATING CAPITAL OUTLAY
	FROM GENERAL INSPECTION TRUST FUND
	361,700
1446	SPECIAL CATEGORIES
	ACQUISITION OF MOTOR VEHICLES
	FROM GENERAL REVENUE FUND
	36,600
	FROM GENERAL INSPECTION TRUST FUND
	164,000
1447	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM GENERAL REVENUE FUND
	5,458
	FROM GENERAL INSPECTION TRUST FUND
	30,079
TOTAL:	STANDARDS AND PETROLEUM QUALITY INSPECTION
	FROM GENERAL REVENUE FUND
	2,623,620
	FROM TRUST FUNDS
	7,701,552
	TOTAL POSITIONS
	192
	TOTAL ALL FUNDS
	10,325,172

PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT

From the funds in Specific Appropriations 1448 through 1496C, 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 2001-2002 Standards
1. Florida agricultural products as a percent of the national market.....	3.71%
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	99%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

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APPROPRIATION	
FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT	
1448	SALARIES AND BENEFITS POSITIONS
	FROM CITRUS INSPECTION TRUST FUND
	9,246,574
	FROM GENERAL INSPECTION TRUST FUND
	2,288,145
1449	OTHER PERSONAL SERVICES
	FROM CITRUS INSPECTION TRUST FUND
	500,000
	FROM GENERAL INSPECTION TRUST FUND
	500,000
1450	EXPENSES
	FROM CITRUS INSPECTION TRUST FUND
	1,458,757
	FROM GENERAL INSPECTION TRUST FUND
	449,269
1451	OPERATING CAPITAL OUTLAY
	FROM CITRUS INSPECTION TRUST FUND
	183,000
1451A	SPECIAL CATEGORIES
	AUTOMATED TESTING EQUIPMENT
	FROM CITRUS INSPECTION TRUST FUND
	254,756
1452	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM CITRUS INSPECTION TRUST FUND
	513,569
	FROM GENERAL INSPECTION TRUST FUND
	59,456
TOTAL:	FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT
	FROM TRUST FUNDS
	15,453,526
	TOTAL POSITIONS
	308
	TOTAL ALL FUNDS
	15,453,526
AGRICULTURAL PRODUCTS MARKETING	
1453	SALARIES AND BENEFITS POSITIONS
	FROM GENERAL REVENUE FUND
	2,928,793
	FROM CITRUS INSPECTION TRUST FUND
	1,062,749
	FROM CONTRACTS AND GRANTS TRUST FUND
	288,248
	FROM GENERAL INSPECTION TRUST FUND
	957,209
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND
	1,961,923
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND
	644,752
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND
	33,865
1454	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
1455	EXPENSES
	FROM GENERAL REVENUE FUND
	881,244
	FROM CITRUS INSPECTION TRUST FUND
	340,887
	FROM CONTRACTS AND GRANTS TRUST FUND
	1,667,632
	FROM GENERAL INSPECTION TRUST FUND
	668,532
	FROM MARKET TRADE SHOW TRUST FUND
	164,000
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND
	795,162
	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
	110,400
1456	OPERATING CAPITAL OUTLAY
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND
	14,000

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1457	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM CITRUS INSPECTION TRUST FUND	45,234
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND	49,870
1458	SPECIAL CATEGORIES GRANTS AND AIDS - VITICULTURE PROGRAM FROM VITICULTURE TRUST FUND	250,000
1459	SPECIAL CATEGORIES FLORIDA AGRICULTURE PROMOTION CAMPAIGN FROM GENERAL REVENUE FUND	850,000
1460	SPECIAL CATEGORIES GRANTS AND AIDS - MARKETING ORDERS FROM CITRUS INSPECTION TRUST FUND	2,500,000
	FROM GENERAL INSPECTION TRUST FUND	475,000
1461	SPECIAL CATEGORIES FOOD RECOVERY PROGRAM FROM GENERAL REVENUE FUND	640,000

From the funds in Specific Appropriations 1461, \$50,000 from General Revenue Fund is provided for Barnabas Food Distribution Center, \$440,000 from General Revenue Fund is provided for Farm Share Inc. Food Recovery Program - Dade, and \$150,000 from General Revenue Fund is provided for South Florida Food Recovery, Inc..

1462	SPECIAL CATEGORIES GRANTS AND AIDS - PROMOTIONAL AWARDS FROM GENERAL INSPECTION TRUST FUND	300,000
	FROM QUARTER HORSE RACING PROMOTION TRUST FUND	43,250
1463	SPECIAL CATEGORIES GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS FROM CONTRACTS AND GRANTS TRUST FUND . . .	843,563
1464	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	17,546
	FROM CITRUS INSPECTION TRUST FUND	4,930
	FROM CONTRACTS AND GRANTS TRUST FUND . . .	4,416
	FROM GENERAL INSPECTION TRUST FUND	8,075
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND	18,155
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND	5,017
1464A	SPECIAL CATEGORIES SPECIAL STUDIES/RESEARCH PROGRAMS FROM GENERAL REVENUE FUND	850,000

From the funds in Specific Appropriations 1464A, \$850,000 from General Revenue Fund is provided for Dover Strawberry Research Center.

1464B	FIXED CAPITAL OUTLAY MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE - DMS MGD FROM GENERAL REVENUE FUND	100,000
1464C	FIXED CAPITAL OUTLAY ADDITIONS AND REPLACEMENT, POMPANO STATE FARMERS' MARKET - DMS MGD FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND	500,000

Funds in Specific Appropriation 1464C are provided to the department for renovations and repairs at the Pompano State Farmers Market. The department shall conduct a cost analysis of alternatives available to

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1464D	FIXED CAPITAL OUTLAY ADDITIONS AND RENOVATIONS PLANT CITY STATE FARMERS' MARKET - DMS MGD FROM GENERAL REVENUE FUND	100,000
1464E	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY AGRICULTURAL PROMOTION AND EDUCATION FACILITIES FROM GENERAL REVENUE FUND	6,284,500

Funds in Specific Appropriation 1464E are provided for the following Agricultural Promotion and Education Facilities:

Ag Facilities/Farmers Market - Okaloosa.....	400,000
Agricultural Center/ Show Grounds/Hendry.....	100,000
Agri-plex Addition - South Florida Fair/Palm Beach.....	350,000
Allapattah Produce Market/Dade.....	600,000
Byrneville Community Center Expansion/Escambia.....	30,000
Crestview Multi-Purpose Assembly Facility/Okaloosa.....	750,000
FFA Educational Complex/Polk.....	1,000,000
Glades County AgriCenter Renovation/Repair.....	200,000
Hendry County Fairgrounds Improvements.....	200,000
Hernando County Fairgrounds Renovation.....	200,000
HOLMES COUNTY FAIRGROUNDS PHASE III.....	200,000
McDAVID COMMUNITY CENTER/Escambia.....	100,000
Okaloosa Regional Agricultural Facility.....	350,000
Portland Community Agricultural Center--Walton County.....	150,000
Renovation of Mid-State Crop & Livestock Pavilion/Polk.....	557,000
Rodeo Grounds Improvements/Hendry.....	112,500
Sarasota County Agricultural Fair Association.....	185,000
Tri-County Agricultural Complex/Calhoun, Gulf, Liberty.....	200,000
Wakulla Expo.....	200,000
WALTON COUNTY FAIR ARENA RENOVATION.....	50,000
Washington County Agricultural Center.....	100,000
West Central Florida Agriculture Education/Sumter.....	250,000

TOTAL: AGRICULTURAL PRODUCTS MARKETING	
FROM GENERAL REVENUE FUND	12,667,083
FROM TRUST FUNDS	14,333,777
TOTAL POSITIONS	199
TOTAL ALL FUNDS	27,000,860

AQUACULTURE

1465	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	56 1,962,474
	FROM GENERAL INSPECTION TRUST FUND	497,061
1466	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	30,000
	FROM GENERAL INSPECTION TRUST FUND	39,000
1467	EXPENSES FROM GENERAL REVENUE FUND	524,332
	FROM GENERAL INSPECTION TRUST FUND	359,984
1468	OPERATING CAPITAL OUTLAY FROM GENERAL INSPECTION TRUST FUND	142,200
1469	SPECIAL CATEGORIES OYSTER PLANTING	

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APPROPRIATION			
	FROM GENERAL REVENUE FUND	350,000	
	FROM GENERAL INSPECTION TRUST FUND		104,400
1470	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	4,597	
	FROM GENERAL INSPECTION TRUST FUND		638
1471	SPECIAL CATEGORIES		
	AQUACULTURE DEVELOPMENT		
	FROM GENERAL REVENUE FUND	1,731,487	
From the General Revenue Fund in Specific Appropriation 1471, the following projects are included and funded as follows:			
	Tropical Aquaculture Marketing.....	200,000	
	Collier City / Pompano Beach Aquaculture and Hydroponics Complex - Phase 1 - Fish Processing.....	250,000	
	Mote Marine Sturgeon Program.....	500,000	
	Genetic Study of Shrimp.....	198,000	
	Freshwater Shrimp Production.....	152,811	
	Indian River Aquaculture Program.....	100,000	
	Statewide Shellfish Aquaculture Extension Program.....	120,250	
	Florida Aquaculture Extension Program.....	89,166	
Of the funds in Specific Appropriation 1471, \$121,260 from recurring General Revenue Fund is provided for the Institute of Food and Agricultural Science at the University of Florida for funding the Ruskin Tropical Aquaculture Lab.			
1472	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	25,000	
TOTAL: AQUACULTURE			
	FROM GENERAL REVENUE FUND	4,627,890	
	FROM TRUST FUNDS		1,143,283
	TOTAL POSITIONS	56	
	TOTAL ALL FUNDS		5,771,173
AGRICULTURAL INSPECTION STATIONS			
1473	SALARIES AND BENEFITS POSITIONS	185	
	FROM GENERAL REVENUE FUND	8,996,312	
	FROM GENERAL INSPECTION TRUST FUND		28,754
1474	EXPENSES		
	FROM GENERAL REVENUE FUND	542,049	
	FROM CITRUS INSPECTION TRUST FUND		25,987
	FROM GENERAL INSPECTION TRUST FUND		41,432
1475	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	30,653	
1476	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	99,000	
1477	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	258,175	
1478	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	78,015	
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		18,428
1479A	FIXED CAPITAL OUTLAY		
	RENOVATE AGRICULTURAL INSPECTIONS STATIONS		

SECTION 5			
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APPROPRIATION			
	- STATEWIDE		
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		125,000
1479B	FIXED CAPITAL OUTLAY		
	CONSTRUCTION OF CANOPIES AT AGRICULTURAL INSPECTION STATIONS		
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		300,000
TOTAL: AGRICULTURAL INSPECTION STATIONS			
	FROM GENERAL REVENUE FUND	10,004,204	
	FROM TRUST FUNDS		539,601
	TOTAL POSITIONS	185	
	TOTAL ALL FUNDS		10,543,805
ANIMAL PEST AND DISEASE CONTROL			
1480	SALARIES AND BENEFITS POSITIONS	158	
	FROM GENERAL REVENUE FUND	5,898,742	
	FROM CONTRACTS AND GRANTS TRUST FUND		489,308
	FROM GENERAL INSPECTION TRUST FUND		157,772
1481	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,866	
1482	EXPENSES		
	FROM GENERAL REVENUE FUND	788,681	
	FROM CONTRACTS AND GRANTS TRUST FUND		335,688
	FROM GENERAL INSPECTION TRUST FUND		286,033
1483	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	607,595	
1484	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	58,607	
	FROM CONTRACTS AND GRANTS TRUST FUND		21
1484A	SPECIAL CATEGORIES		
	TRANSFER TO UNIVERSITY OF FLORIDA/ INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES - SMALL ANIMAL HOSPITAL		
	FROM GENERAL REVENUE FUND	100,000	
TOTAL: ANIMAL PEST AND DISEASE CONTROL			
	FROM GENERAL REVENUE FUND	7,465,491	
	FROM TRUST FUNDS		1,268,822
	TOTAL POSITIONS	158	
	TOTAL ALL FUNDS		8,734,313
PLANT PEST AND DISEASE CONTROL			
1485	SALARIES AND BENEFITS POSITIONS	348	
	FROM GENERAL REVENUE FUND	10,299,646	
	FROM CITRUS INSPECTION TRUST FUND		610,944
	FROM CONTRACTS AND GRANTS TRUST FUND		477,926
	FROM PLANT INDUSTRY TRUST FUND		2,200,295
1486	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
1487	EXPENSES		
	FROM GENERAL REVENUE FUND	1,088,549	
	FROM CITRUS INSPECTION TRUST FUND		90,801
	FROM CONTRACTS AND GRANTS TRUST FUND		9,833
	FROM PLANT INDUSTRY TRUST FUND		1,142,737

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1488 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,700
FROM PLANT INDUSTRY TRUST FUND 50,000

1488A LUMP SUM
CITRUS CANKER TREE COMPENSATION PROGRAM
FROM GENERAL REVENUE FUND 27,500,000

The non-recurring funds provided in Specific Appropriation 1488A shall be used to compensate private homeowners \$100 for each citrus tree destroyed on their residential property by the joint Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture Citrus Canker Eradication Program. The Department shall develop a residential citrus tree compensation program for residential citrus trees lost. The program shall be as described in CS/CS/SB 170. The department shall develop a plan to identify, document and distribute these funds to applicable residents. The plan shall ensure that no compensation is provided for trees previously replaced by the Shade Dade program. Prior to the release of any funds from this appropriation the department shall submit the plan to the Legislative Budget Commission for review pursuant to the provisions of s. 216.177, Florida Statutes. The department may use up to \$500,000 from this appropriation to administer this program.

1489 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 90,000
FROM PLANT INDUSTRY TRUST FUND 150,000

1490 SPECIAL CATEGORIES
AGRICULTURAL EMERGENCIES (MEDFLY PROGRAM)
FROM GENERAL REVENUE FUND 1,000,000
FROM CONTRACTS AND GRANTS TRUST FUND 1,000,000

1491 SPECIAL CATEGORIES
GRANTS AND AIDS - BOLL WEEVIL ERADICATION
FROM PLANT INDUSTRY TRUST FUND 560,000

1492 SPECIAL CATEGORIES
APIARIAN INDEMNITIES
FROM GENERAL REVENUE FUND 36,000

1493 SPECIAL CATEGORIES
ENDANGERED PLANT SPECIES
FROM PLANT INDUSTRY TRUST FUND 250,000

1494 SPECIAL CATEGORIES
PLANT, PEST AND DISEASE MONITORING AND
CONTROL PROGRAM
FROM PLANT INDUSTRY TRUST FUND 300,000

1495 SPECIAL CATEGORIES
CITRUS CANKER ERADICATION
FROM CONTRACTS AND GRANTS TRUST FUND 38,976,500
AGRICULTURAL EMERGENCY ERADICATION TRUST
FUND 6,200,000

Funds from the Contracts and Grants Trust Fund in Specific Appropriation 1495 are contingent upon receipt of federal funds designated for this purpose.

1496 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 431,360
FROM PLANT INDUSTRY TRUST FUND 9,126

1496A SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA/
INSTITUTE OF FOOD AND AGRICULTURAL
SCIENCES FOR INVASIVE EXOTICS QUARANTINE
FACILITY
FROM GENERAL REVENUE FUND 750,000

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1496B SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA -
INSTITUTE OF FOOD AND AGRICULTURAL
SCIENCES/BIOLOGICAL CONTROL OF PEST MOLE
CRICKETS
FROM GENERAL REVENUE FUND 300,000

1496C SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA -
INSTITUTE OF FOOD AND AGRICULTURAL
SCIENCES - FLORIDA AUTOMATED WEATHER
NETWORK
FROM GENERAL REVENUE FUND 52,700

TOTAL: PLANT PEST AND DISEASE CONTROL
FROM GENERAL REVENUE FUND 41,633,972
FROM TRUST FUNDS 52,894,742

TOTAL POSITIONS 348
TOTAL ALL FUNDS 94,528,714

COMMUNITY AFFAIRS, DEPARTMENT OF
PROGRAM: OFFICE OF THE SECRETARY

From the funds in Specific Appropriations 1497 through 1515, the Office of the Secretary will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of local government participation in land acquisition programs.....	16%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

LAND ADMINISTRATION

1497 SALARIES AND BENEFITS POSITIONS 18
FROM FLORIDA COMMUNITIES TRUST FUND 794,904

Funds in Specific Appropriations 1497 through 1500 reflect the transfer of \$1,148,854 from the Land Acquisition Trust Fund in the Department of Environmental Protection to the Department of Community Affairs for the administration of the Florida Communities Trust Land Acquisition Program.

1498 OTHER PERSONAL SERVICES
FROM FLORIDA COMMUNITIES TRUST FUND 50,000

1499 EXPENSES
FROM FLORIDA COMMUNITIES TRUST FUND 301,579

1499A OPERATING CAPITAL OUTLAY
FROM FLORIDA COMMUNITIES TRUST FUND 2,000

1500 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA COMMUNITIES TRUST FUND 371

1502 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY
ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,
STATEWIDE
FROM FLORIDA FOREVER PROGRAM TRUST FUND 66,000,000

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TOTAL: LAND ADMINISTRATION			
FROM TRUST FUNDS	67,148,854		
TOTAL POSITIONS	18		
TOTAL ALL FUNDS	67,148,854		
FLORIDA COASTAL MANAGEMENT			
1503 SALARIES AND BENEFITS POSITIONS	12		
FROM GENERAL REVENUE FUND	266,973		
FROM COASTAL ZONE MANAGEMENT TRUST FUND .		378,998	
1504 OTHER PERSONAL SERVICES			
FROM COASTAL ZONE MANAGEMENT TRUST FUND .		340,000	
1505 EXPENSES			
FROM GENERAL REVENUE FUND	30,524		
FROM COASTAL ZONE MANAGEMENT TRUST FUND .		299,047	
1506 OPERATING CAPITAL OUTLAY			
FROM COASTAL ZONE MANAGEMENT TRUST FUND .		1,399	
1507 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM COASTAL ZONE MANAGEMENT TRUST FUND .		204	
1508 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	297,497		
FROM TRUST FUNDS		2,472,652	
TOTAL POSITIONS	12		
TOTAL ALL FUNDS		2,770,149	
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
1510 SALARIES AND BENEFITS POSITIONS	85		
FROM GENERAL REVENUE FUND	2,089,301		
FROM ADMINISTRATIVE TRUST FUND		2,080,903	
FROM ENERGY CONSUMPTION TRUST FUND		35,088	
FROM GRANTS AND DONATIONS TRUST FUND		192,245	
FROM LOW INCOME HOME ENERGY ASSISTANCE			
PROGRAM BLOCK GRANT TRUST FUND		35,142	
1511 OTHER PERSONAL SERVICES			
FROM ADMINISTRATIVE TRUST FUND		417,344	
1512 EXPENSES			
FROM GENERAL REVENUE FUND	217,521		
FROM ADMINISTRATIVE TRUST FUND		869,681	
FROM ENERGY CONSUMPTION TRUST FUND		4,023	
FROM GRANTS AND DONATIONS TRUST FUND		27,099	
FROM LOW INCOME HOME ENERGY ASSISTANCE			
PROGRAM BLOCK GRANT TRUST FUND		5,495	
1513 OPERATING CAPITAL OUTLAY			
FROM ADMINISTRATIVE TRUST FUND		93,608	
1514 SPECIAL CATEGORIES			
TRANSFER TO DIVISION OF ADMINISTRATIVE			
HEARINGS			
FROM GENERAL REVENUE FUND	276,970		
1515 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND	13,198		
FROM ADMINISTRATIVE TRUST FUND		6,512	
FROM ENERGY CONSUMPTION TRUST FUND		69	

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FROM GRANTS AND DONATIONS TRUST FUND . . .			136
FROM LOW INCOME HOME ENERGY ASSISTANCE			
PROGRAM BLOCK GRANT TRUST FUND			38
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND	2,596,990		
FROM TRUST FUNDS		3,767,383	
TOTAL POSITIONS	85		
TOTAL ALL FUNDS		6,364,373	

PROGRAM: COMMUNITY PLANNING

From the funds in Specific Appropriations 1517 through 1522, the Community Planning Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of local comprehensive plan amendments determined to be in compliance with the Growth Management Act.....98%	
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

COMMUNITY PLANNING

1517 SALARIES AND BENEFITS POSITIONS	72		
FROM GENERAL REVENUE FUND		3,480,676	
1518 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		18,650	
FROM GRANTS AND DONATIONS TRUST FUND . . .			27,733
1519 EXPENSES			
FROM GENERAL REVENUE FUND		529,457	
FROM GRANTS AND DONATIONS TRUST FUND . . .			20,288
1519A OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		1,500	
FROM GRANTS AND DONATIONS TRUST FUND . . .			500
1520 SPECIAL CATEGORIES			
GRANTS AND AIDS - REGIONAL PLANNING			
COUNCILS			
FROM GENERAL REVENUE FUND		2,236,250	
Funds in Specific Appropriation 1520 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.			
From funds in Specific Appropriation 1520, \$250,000 is provided to the Northeast Florida Regional Planning Council for a regional web based data center.			
1521 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND	250		
FROM GRANTS AND DONATIONS TRUST FUND . . .			22,441
1522 SPECIAL CATEGORIES			
GRANTS AND AIDS - TECHNICAL AND PLANNING			

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ASSISTANCE
FROM GENERAL REVENUE FUND 525,000

From funds provided in Specific Appropriation 1522, \$25,000 is provided for the Stock Island Community Master Plan.

TOTAL: COMMUNITY PLANNING
FROM GENERAL REVENUE FUND 6,791,783
FROM TRUST FUNDS 70,962

TOTAL POSITIONS 72
TOTAL ALL FUNDS 6,862,745

PROGRAM: EMERGENCY MANAGEMENT

From the funds in Specific Appropriations 1524 through 1591, the Emergency Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of counties with an above average capability rating to respond to emergencies.....	55%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

PRE-DISASTER MITIGATION

1524 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 61,396
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 50,493
FROM GRANTS AND DONATIONS TRUST FUND 4,507
FROM OPERATING TRUST FUND 3,159
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 342,408

1525 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,332

1526 EXPENSES
FROM GENERAL REVENUE FUND 253
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 23,242
FROM GRANTS AND DONATIONS TRUST FUND 10,624
FROM OPERATING TRUST FUND 4,718
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 64,501

1526A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 4,600,000

1529 SPECIAL CATEGORIES
GRANTS AND AIDS - PREDISASTER MITIGATION FROM GRANTS AND DONATIONS TRUST FUND 208,333
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 1,250,000

Funds in Specific Appropriation 1529 are provided for pre-disaster mitigation program. Match requirements of 25 percent for the federal funds shall be provided by local government at 12.5 percent and by the

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Department of Community Affairs for the remaining 12.5 percent. The source of the Department of Community Affairs' 12.5 percent match is the unencumbered cash balance received prior to July 1, 2000, from the Florida Hurricane Catastrophe Fund.

TOTAL: PRE-DISASTER MITIGATION
FROM GENERAL REVENUE FUND 61,649
FROM TRUST FUNDS 6,566,317

TOTAL POSITIONS 10
TOTAL ALL FUNDS 6,627,966

EMERGENCY PLANNING

1531 SALARIES AND BENEFITS POSITIONS 43
FROM GENERAL REVENUE FUND 399,448
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 474,060
FROM GRANTS AND DONATIONS TRUST FUND 185,512
FROM OPERATING TRUST FUND 97,356
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 592,258

1532 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 190,331
FROM GRANTS AND DONATIONS TRUST FUND 450,000
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 962,936

1533 EXPENSES
FROM GENERAL REVENUE FUND 7,777
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 62,058
FROM GRANTS AND DONATIONS TRUST FUND 42,065
FROM OPERATING TRUST FUND 12,486
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 361,039

1534 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 2,189,944

1535 AID TO LOCAL GOVERNMENTS
LOCAL SUPPORT MATERIALS FROM GRANTS AND DONATIONS TRUST FUND 100,000

1536 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 55,000

1537 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 8,340,072
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 83,438

1538 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT RELIEF ASSISTANCE FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,475,030

1539 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE DOMESTIC PREPAREDNESS PROGRAM FROM GRANTS AND DONATIONS TRUST FUND 3,409,000

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1540	SPECIAL CATEGORIES GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	3,475,030
1541	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	5,697 5,697
1542	SPECIAL CATEGORIES GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	590,026
1543	SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT NEEDS FROM GRANTS AND DONATIONS TRUST FUND . . .	3,000,000

Funds in Specific Appropriation 1543 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), F.S. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in s. 215.559, F.S.

1543A	SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT AND MITIGATION INITIATIVES FROM GENERAL REVENUE FUND FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND FROM OPERATING TRUST FUND	3,674,541 2,216,553 675,000 1,175,778
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Funds in Specific Appropriation 1543A, shall be allocated as follows:

From the General Revenue Fund:	
Red Bay Community Emergency Disaster Center - Walton.....	166,000
Choctaw Beach Community Emergency Disaster Center Project..	166,000
Permanent Elevation/Benchmarking System - Monroe.....	92,600
Radio Alert System - Monroe.....	71,125
Milton Disaster Shelter.....	750,000
Special Need Shelter Generator - Manatee.....	300,000
Emergency Operations Center - Dade.....	100,000
Okaloosa Island Public Safety Center.....	250,000
Underground Utilities Conversion, Phase II - Orange.....	250,000
Fire Truck for Graceville.....	135,000
Fairway Park Building/Emergency Generator - Broward.....	30,000
Emergency Operations Center - Key Biscayne.....	750,000
Pinellas Emergency Services Training Complex.....	250,000
Emergency Planning Pilot Program - Hillsborough.....	250,000
Emergency Hydraulic Pumps & Generator - Dade.....	38,816
City Facility Emergency Enhancement Program - Broward.....	50,000
Port Richey City Hall Emergency Hurricane Shelter.....	25,000
From the Emergency Management Preparedness and Assistance Trust Fund:	
Damage Assessment Plan/Recovery Supplies - Monroe.....	175,600
Bury Utility Lines - Flager.....	990,000
Callaway Fire Station - Bay.....	400,000
Hurricane Mitigation Community Training - Monroe.....	50,000
Parker City Fire Truck.....	240,000
Firefighter Thermal Imaging Equipment Matching Grants.....	360,953
From the Grants and Donations Trust Fund:	
Port Richey City Hall Emergency Hurricane Shelter.....	175,000
City of Palm Bay EOC/Shelter.....	250,000
Multi-use Shelter - Osceola.....	250,000

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From the Operating Trust Fund:	
Emergency Mobile Command Center - Dade.....	161,204
Regional Community Evacuation Shelter - Marion.....	1,014,574

Funds for emergency shelter or critical facility projects listed in Specific Appropriation 1543A 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 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, 2001, the Department shall determine whether any recipient cannot pursue or complete any project, or portion thereof, due to structural or other considerations and may initiate a budget amendment pursuant to the legislative notice and review requirements set forth in s. 216.177, F.S., to apply any remaining funds to projects which reduce the state's deficit of public hurricane evacuation space.

Funds in Specific Appropriation 1543A for Firefighter Thermal Imaging Equipment Matching Grants shall be utilized for matching grants of up to 80% to local fire departments to purchase thermal imaging devices on every fire apparatus.

The source of the Grants and Donations Trust Fund in Specific Appropriation 1543A is the unencumbered cash balance received prior to July 1, 2000, from the Florida Hurricane Catastrophe Fund.

TOTAL: EMERGENCY PLANNING		
FROM GENERAL REVENUE FUND	4,087,463	
FROM TRUST FUNDS		32,220,669
TOTAL POSITIONS	43	
TOTAL ALL FUNDS		36,308,132
EMERGENCY RECOVERY		
1545 SALARIES AND BENEFITS	POSITIONS	24
FROM GENERAL REVENUE FUND		195,184
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		299,948
FROM GRANTS AND DONATIONS TRUST FUND . . .		4,506
FROM OPERATING TRUST FUND		3,158
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		258,753
FROM U.S. CONTRIBUTIONS TRUST FUND		383,044
1546 OTHER PERSONAL SERVICES		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		4,331
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		30,000
FROM U.S. CONTRIBUTIONS TRUST FUND		100,000
1547 EXPENSES		
FROM GENERAL REVENUE FUND	48,911	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		115,634
FROM GRANTS AND DONATIONS TRUST FUND . . .		101,372
FROM OPERATING TRUST FUND		4,670
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		174,460
FROM U.S. CONTRIBUTIONS TRUST FUND		46,487
1548 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS FROM U.S. CONTRIBUTIONS TRUST FUND		1,000,000
1550 SPECIAL CATEGORIES		
GRANTS AND AIDS - MAJOR DISASTER 1999-2000 - HURRICANE FLOYD FEMA DECLARATION #3143 - STATE OPERATIONS		
FROM GRANTS AND DONATIONS TRUST FUND . . .		473,866
FROM U.S. CONTRIBUTIONS TRUST FUND		129,361

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For appropriations from the Grants and Donations Trust Fund in Specific Appropriations 1550 through 1561 and 1564 through 1577, 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.

1551 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000
- HURRICANE FLOYD FEMA DECLARATION #3143 -
PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,130,700
FROM U.S. CONTRIBUTIONS TRUST FUND 11,507,164

Funds in Specific Appropriations 1551, 1553, 1555, 1557, 1559, 1567, 1569, 1573, 1575, and 1577 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 governments' 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 approve a waiver of the 12.5 percent local match, subject to Legislature notice and review under s. 216.177, Florida Statutes, if it determined that such a match cannot be provided or that doing so would effect a documented hardship on the local entity provided the local government applies for the waiver within the first 18 months after the disaster is declared.

1552 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000
- HURRICANE IRENE FEMA DECLARATION #3150 -
STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 601,793
FROM U.S. CONTRIBUTIONS TRUST FUND 270,271

1553 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000
- HURRICANE IRENE FEMA DECLARATION #3150 -
PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,500,000
FROM U.S. CONTRIBUTIONS TRUST FUND 34,839,326

1554 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000
- FLORIDA WILDFIRES FEMA DECLARATION/FIRE
SUPPRESSION GRANTS - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 198,068

1555 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1999-2000
- FLORIDA WILDFIRES FEMA DECLARATION/FIRE
SUPPRESSION GRANTS - PASS THROUGH
FROM U.S. CONTRIBUTIONS TRUST FUND 1,405,277

1556 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2000-01 -
TROPICAL STORM HELENE - FEMA DECLARATION
#1344 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 44,420
FROM U.S. CONTRIBUTIONS TRUST FUND 23,587

1557 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2000-01 -
TROPICAL STORM HELENE - FEMA DECLARATION
#1344 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 941,420
FROM U.S. CONTRIBUTIONS TRUST FUND 4,826,545

1558 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2000-01/
SOUTH FLORIDA FLOODS FEMA DECLARATION

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#1345 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 336,392
FROM U.S. CONTRIBUTIONS TRUST FUND 365,099

1559 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2000-01/
SOUTH FLORIDA FLOODS FEMA DECLARATION
#1345 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 16,122,321
FROM U.S. CONTRIBUTIONS TRUST FUND 76,961,971

From funds in Specific Appropriation 1559, up to \$830,000 from the Grants and Donations Trust Fund and \$3,320,000 from the U.S. Contributions Trust Fund shall be allocated to priority hazard mitigation projects recommended by the South Florida Flooding Working Group in the C-4 Canal Basin. These amounts reflect the hazard mitigation funds estimated to be disbursed on priority projects in Fiscal Year 2001-2002.

1560 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL
DISASTER RELIEF OPERATIONS -
ADMINISTRATIVE
FROM U.S. CONTRIBUTIONS TRUST FUND 126,034

1561 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL
DISASTER RELIEF OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 877,010
FROM U.S. CONTRIBUTIONS TRUST FUND 6,611,318

1562 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ANDREW RELIEF -
ADMINISTRATIVE ACTIVITIES
FROM U.S. CONTRIBUTIONS TRUST FUND 219,326

1563 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL
DISASTER RELIEF OPERATIONS - HURRICANE
ANDREW
FROM U.S. CONTRIBUTIONS TRUST FUND 21,000,000

1564 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ERIN
FROM GRANTS AND DONATIONS TRUST FUND . . . 480,794
FROM U.S. CONTRIBUTIONS TRUST FUND 976,027

1565 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE OPAL
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,397,145
FROM U.S. CONTRIBUTIONS TRUST FUND 9,697,003

1566 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 -
EL NINO WEATHER EVENTS - FEMA DECLARATION
#1195 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 453,731
FROM U.S. CONTRIBUTIONS TRUST FUND 31,174

1567 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 -
EL NINO WEATHER EVENTS - FEMA DECLARATION
#1195 - PASS THROUGH
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,236,672
FROM U.S. CONTRIBUTIONS TRUST FUND 13,564,641

1568 SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 1997-98 -
EL NINO WEATHER EVENTS - FEMA DECLARATION
#1204 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 44,445
FROM U.S. CONTRIBUTIONS TRUST FUND 8,251

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1569	SPECIAL CATEGORIES	
	GRANTS AND AIDS - MAJOR DISASTER 1997-98 - EL NINO WEATHER EVENTS - FEMA DECLARATION #1204 - PASS THROUGH	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	543,008
	FROM U.S. CONTRIBUTIONS TRUST FUND	2,715,918
1570	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 . . .	281,016
	FROM U.S. CONTRIBUTIONS TRUST FUND	16,114
1571	SPECIAL CATEGORIES	
	GRANTS AND AIDS - MAJOR DISASTER 1997-98 - FLORIDA WILDFIRES FEMA DECLARATION #1223/ FIRE SUPPRESSION GRANTS #2201-PASS THRU	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	191,846
	FROM U.S. CONTRIBUTIONS TRUST FUND	569,693
1572	SPECIAL CATEGORIES	
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE EARL - STATE OPERATIONS	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	2,171
1573	SPECIAL CATEGORIES	
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE EARL - PASS THROUGH	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	40,579
	FROM U.S. CONTRIBUTIONS TRUST FUND	243,476
1574	SPECIAL CATEGORIES	
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE GEORGES - STATE OPERATIONS	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	1,274,988
	FROM U.S. CONTRIBUTIONS TRUST FUND	245,744
1575	SPECIAL CATEGORIES	
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 - HURRICANE GEORGES - PASS THROUGH	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	13,027,797
	FROM U.S. CONTRIBUTIONS TRUST FUND	18,504,261
1576	SPECIAL CATEGORIES	
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 - T.S. MITCH FEMA DECLARATION #1259 - STATE OPERATIONS	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	49,936
	FROM U.S. CONTRIBUTIONS TRUST FUND	13,017
1577	SPECIAL CATEGORIES	
	GRANTS AND AIDS - MAJOR DISASTER 1998-99 - T.S. MITCH FEMA DECLARATION #1259 - PASS THROUGH	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	438,000
	FROM U.S. CONTRIBUTIONS TRUST FUND	876,952
TOTAL:	EMERGENCY RECOVERY	
	FROM GENERAL REVENUE FUND	244,095
	FROM TRUST FUNDS	261,962,031
	TOTAL POSITIONS	24
	TOTAL ALL FUNDS	262,206,126

EMERGENCY RESPONSE		
1581	SALARIES AND BENEFITS POSITIONS	18
	FROM GENERAL REVENUE FUND	405,144
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	104,004
	FROM GRANTS AND DONATIONS TRUST FUND . . .	75,883
	FROM OPERATING TRUST FUND	68,274

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	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	261,135
1582	OTHER PERSONAL SERVICES	
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	4,331
1583	EXPENSES	
	FROM GENERAL REVENUE FUND	62,269
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	69,782
	FROM GRANTS AND DONATIONS TRUST FUND . . .	48,231
	FROM OPERATING TRUST FUND	13,975
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	228,996
1584	OPERATING CAPITAL OUTLAY	
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	1,872
	FROM GRANTS AND DONATIONS TRUST FUND . . .	3,196
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	6,352
1585	SPECIAL CATEGORIES	
	ACQUISITION OF MOTOR VEHICLES	
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	65,000
1586	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	6,962
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	6,962
TOTAL:	EMERGENCY RESPONSE	
	FROM GENERAL REVENUE FUND	474,375
	FROM TRUST FUNDS	957,993
	TOTAL POSITIONS	18
	TOTAL ALL FUNDS	1,432,368
HAZARDOUS MATERIALS COMPLIANCE PLANNING		
1588	SALARIES AND BENEFITS POSITIONS	21
	FROM GENERAL REVENUE FUND	84,456
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	55,275
	FROM GRANTS AND DONATIONS TRUST FUND . . .	6,190
	FROM OPERATING TRUST FUND	776,530
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	46,145
1589	OTHER PERSONAL SERVICES	
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	29,749
	FROM OPERATING TRUST FUND	1,335,000
1590	EXPENSES	
	FROM GENERAL REVENUE FUND	14,668
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND	62,977
	FROM GRANTS AND DONATIONS TRUST FUND . . .	15,645
	FROM OPERATING TRUST FUND	313,221
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	9,841
1591	AID TO LOCAL GOVERNMENTS	
	DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION	
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND	200,000

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TOTAL: HAZARDOUS MATERIALS COMPLIANCE PLANNING		
FROM GENERAL REVENUE FUND	99,124	
FROM TRUST FUNDS		2,850,573
TOTAL POSITIONS	21	
TOTAL ALL FUNDS		2,949,697

PROGRAM: HOUSING AND COMMUNITY DEVELOPMENT

From the funds in Specific Appropriations 1594 through 1619A, the Housing and Community Development Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
=====	
OUTCOMES:	
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.....	154
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	
=====	

AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT

1594	SALARIES AND BENEFITS	POSITIONS	29	
	FROM GENERAL REVENUE FUND		667,601	
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .			447,873
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND			9,680
	FROM ENERGY CONSUMPTION TRUST FUND			9,395
	FROM STATE HOUSING TRUST FUND			28,344
	FROM GRANTS AND DONATIONS TRUST FUND . . .			174,926
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND			3,960
	FROM OPERATING TRUST FUND			142,870
1595	OTHER PERSONAL SERVICES			
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .			587,767
	FROM STATE HOUSING TRUST FUND			100,585
	FROM GRANTS AND DONATIONS TRUST FUND . . .			486,769
1596	EXPENSES			
	FROM GENERAL REVENUE FUND		89,488	
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .			248,231
	FROM STATE HOUSING TRUST FUND			30,780
	FROM GRANTS AND DONATIONS TRUST FUND . . .			91,277
	FROM OPERATING TRUST FUND			35,190
1597	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS			
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .			4,078,837

Funds provided in Specific Appropriations 1597 and 1600 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

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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 Community Development Block Grant 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.

1597A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		1,000
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		1,000
	FROM STATE HOUSING TRUST FUND		1,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,000

1597B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY DEVELOPMENT SERVICES PROJECTS		
	FROM GENERAL REVENUE FUND	2,725,000	
	FROM OPERATING TRUST FUND		1,042,500

Funds in Specific Appropriation 1597B are provided for the following programs and projects:

From General Revenue:	
City of South Miami-Housing	300,000
Empowerment Zone - Miami/Dade	1,000,000
Increased Funding for Florida's Regional Planning Councils .	400,000
EXPONICA International 2001	75,000
Tampa-Hillsborough Urban League HQ & Skills Training Ctr . .	500,000
Administration & Community Training Building - Broward	200,000
Art & Cultural Center for At Risk Kids and Seniors	50,000
Homestead Fiber Optic Network	100,000
Habitat for Humanity Affordable Housing Dev. - Monroe	100,000

From the Operating Trust Fund:	
Telework Tampa Bay	350,000
Bird Road Neighborhood & Cultural Redevelopment - Dade	525,000
Red Cross Center - Dade	25,000
Naples Preserve Education and Information Building	50,000
Keep Putnam Beautiful	25,000
Community Identity Program (Visioning) - Monroe	67,500

1598	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		3,249
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		1,043
	FROM STATE HOUSING TRUST FUND		35
	FROM GRANTS AND DONATIONS TRUST FUND		412
	FROM OPERATING TRUST FUND		896

1598A	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS HOUSING AND COMMUNITY DEVELOPMENT GRANTS AND DONATIONS TRUST FUND		
	FROM STATE HOUSING TRUST FUND		672,799

1598B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CDBG DISASTER RECOVERY INITIATIVE		
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		9,815,619
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,081,311

1598C	SPECIAL CATEGORIES		
	TRANSFER TO COMMUNITY PLANNING		
	FROM STATE HOUSING TRUST FUND		60,161

1598D	SPECIAL CATEGORIES		
	TRANSFER TO ENERGY CONSUMPTION TRUST FUND		
	FROM STATE HOUSING TRUST FUND		2,000,000

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1600	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . .	63,371,800
1601	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY MIGRANT AND SEASONAL FARM WORKER HOUSING FROM GRANTS AND DONATIONS TRUST FUND . . .	7,840,000
1602	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR FROM ENERGY CONSUMPTION TRUST FUND	2,000,000
TOTAL: AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT		
	FROM GENERAL REVENUE FUND	3,486,338
	FROM TRUST FUNDS	94,366,060
	TOTAL POSITIONS	29
	TOTAL ALL FUNDS	97,852,398
BUILDING CODE COMPLIANCE AND HAZARD MITIGATION		
1604	SALARIES AND BENEFITS POSITIONS FROM ENERGY CONSUMPTION TRUST FUND FROM OPERATING TRUST FUND	23 141,920 930,057
1605	OTHER PERSONAL SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . . FROM OPERATING TRUST FUND	615,304 1,956,410
1606	EXPENSES FROM ENERGY CONSUMPTION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND . . . FROM OPERATING TRUST FUND	20,361 125,039 408,146
1606A	OPERATING CAPITAL OUTLAY FROM OPERATING TRUST FUND	2,000
1606B	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 1606B, this transfer shall be reduced proportionately.		
1607	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM OPERATING TRUST FUND	2,678
1607A	SPECIAL CATEGORIES GRANTS AND AIDS - HURRICANE LOSS MITIGATION FROM GRANTS AND DONATIONS TRUST FUND . . .	6,400,693
Funds provided from the Grants and Donations Trust Fund in Specific Appropriations 1605, 1606, and 1607A reflect the transfer of \$7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7)(c), F.S. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in s. 215.559, F.S.		
TOTAL: BUILDING CODE COMPLIANCE AND HAZARD MITIGATION		
	FROM TRUST FUNDS	11,191,436
	TOTAL POSITIONS	23
	TOTAL ALL FUNDS	11,191,436

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PUBLIC SERVICE AND ENERGY INITIATIVES		
1610	SALARIES AND BENEFITS POSITIONS FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND FROM ENERGY CONSUMPTION TRUST FUND FROM STATE HOUSING TRUST FUND FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND	23 386,370 496,903 39,392 173,180
1611	OTHER PERSONAL SERVICES FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND FROM ENERGY CONSUMPTION TRUST FUND FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND	152,925 130,340 46,148
1612	EXPENSES FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND FROM ENERGY CONSUMPTION TRUST FUND FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND	157,631 373,748 142,857
1612A	OPERATING CAPITAL OUTLAY FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND FROM ENERGY CONSUMPTION TRUST FUND FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND	1,000 1,000 1,000
1612B	SPECIAL CATEGORIES GRANTS AND AIDS - DEPARTMENT OF ENERGY SPECIAL PROJECTS FROM ENERGY CONSUMPTION TRUST FUND	1,645,399
1613	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND	16,000,000
1614	SPECIAL CATEGORIES GRANTS AND AIDS - FARMWORKER EMERGENCY GRANT FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND	100,000
1615	SPECIAL CATEGORIES GRANTS AND AIDS - HOME ENERGY ASSISTANCE FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND	14,486,047
1616	SPECIAL CATEGORIES GRANTS AND AIDS - WEATHERIZATION GRANTS FROM ENERGY CONSUMPTION TRUST FUND FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND	2,493,211 2,760,591
1617	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND FROM ENERGY CONSUMPTION TRUST FUND FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND	1,043 1,831 447
1618	SPECIAL CATEGORIES COMMISSION ON COMMUNITY SERVICE FROM GENERAL REVENUE FUND	175,000
1619A	FIXED CAPITAL OUTLAY GRANTS AND AIDS - ENERGY EFFICIENCY	

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PROJECTS
FROM ENERGY CONSUMPTION TRUST FUND 3,600,000

Funds in Specific Appropriation 1619A, shall be allocated as follows:

Electrochromic Commercialization Program..... 1,500,000
Rural Investment Program..... 1,000,000
Investment Initiative for Energy Technology..... 1,000,000
Clean Air Cooperative..... 100,000

TOTAL: PUBLIC SERVICE AND ENERGY INITIATIVES
FROM GENERAL REVENUE FUND 175,000
FROM TRUST FUNDS 43,191,063

TOTAL POSITIONS 23
TOTAL ALL FUNDS 43,366,063

PROGRAM: FLORIDA HOUSING FINANCE CORPORATION

From the funds in Specific Appropriations 1620 through 1623A, the Florida Housing Finance Corporation Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of targeted dollars that are allocated to the targeted population.....	70%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

AFFORDABLE HOUSING FINANCING

1620 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS
FROM STATE HOUSING TRUST FUND 49,395,000

Funds provided in Specific Appropriation 1620 include Fiscal Year 2001-2002 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.

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.

From funds provided in Specific Appropriation 1620, \$221,990 shall be used to cover the cost of the Housing Data Clearinghouse.

1621 SPECIAL CATEGORIES
HOUSING FINANCE CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS - ADMINISTRATION
FROM STATE HOUSING TRUST FUND 1,426,212

1622 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
FROM LOCAL GOVERNMENT HOUSING TRUST FUND 126,600,000

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Counties and eligible municipalities receiving local housing distributions pursuant to s. 420.9073, F.S., and funded with Specific Appropriation 1622, shall give preference in bidding contracts to those vendors who provide employment opportunities to clients of Workforce Development Initiatives.

1623 SPECIAL CATEGORIES
HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM - MONITORING
FROM LOCAL GOVERNMENT HOUSING TRUST FUND 200,000

1623A 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 178,521,212

TOTAL ALL FUNDS 178,521,212

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1624 SALARIES AND BENEFITS POSITIONS 329
FROM GENERAL REVENUE FUND 3,867,581
FROM ADMINISTRATIVE TRUST FUND 12,608,247
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 57,257
FROM INLAND PROTECTION TRUST FUND 168,022
FROM GRANTS AND DONATIONS TRUST FUND 2,293

1625 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 79,500
FROM ADMINISTRATIVE TRUST FUND 415,659
FROM GRANTS AND DONATIONS TRUST FUND 34,879

1626 EXPENSES
FROM GENERAL REVENUE FUND 1,118,104
FROM ADMINISTRATIVE TRUST FUND 3,011,488
FROM INLAND PROTECTION TRUST FUND 52,886
FROM GRANTS AND DONATIONS TRUST FUND 142,997

1627 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 156,552

1628 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 49,859

1629 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 548,012

1630 SPECIAL CATEGORIES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM
FROM ADMINISTRATIVE TRUST FUND 72,297

1631 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 29,229
FROM ADMINISTRATIVE TRUST FUND 33,027

1632 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,910

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1633	SPECIAL CATEGORIES		
	UNDERGROUND STORAGE TANK CLEANUP		
	FROM INLAND PROTECTION TRUST FUND	107,407	
1633A	SPECIAL CATEGORIES		
	PETROLEUM CLEANUP AUDITS		
	FROM INLAND PROTECTION TRUST FUND	430,980	
1633B	SPECIAL CATEGORIES		
	STATE FAIR		
	FROM ADMINISTRATIVE TRUST FUND	42,000	
1633C	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	125,869	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	5,230,193	
	FROM TRUST FUNDS	17,933,862	
	TOTAL POSITIONS	329	
	TOTAL ALL FUNDS	23,164,055	

PROGRAM: STATE LANDS

INVASIVE PLANT CONTROL

1635	SALARIES AND BENEFITS	POSITIONS	32	
	FROM INVASIVE PLANT CONTROL TRUST FUND . .			1,471,546
1636	OTHER PERSONAL SERVICES			
	FROM INVASIVE PLANT CONTROL TRUST FUND . .			667,080
1637	EXPENSES			
	FROM INVASIVE PLANT CONTROL TRUST FUND . .			1,175,563
1638	OPERATING CAPITAL OUTLAY			
	FROM INVASIVE PLANT CONTROL TRUST FUND . .			35,710
1639	SPECIAL CATEGORIES			
	CONTROL OF INVASIVE EXOTICS			
	FROM INVASIVE PLANT CONTROL TRUST FUND . .	29,725,376		
	FROM GRANTS AND DONATIONS TRUST FUND . . .	800,000		
1639A	SPECIAL CATEGORIES			
	TRANSFER TO FISH AND WILDLIFE CONSERVATION			
	COMMISSION FOR ADMINISTRATIVE OVERHEAD			
	FROM INVASIVE PLANT CONTROL TRUST FUND . .	880,000		
1639B	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	34,780,275		
	TOTAL POSITIONS	32		
	TOTAL ALL FUNDS	34,780,275		

LAND ADMINISTRATION

1640	SALARIES AND BENEFITS	POSITIONS	67	
	FROM CONSERVATION AND RECREATION LANDS			
	TRUST FUND	866,983		
	FROM GRANTS AND DONATIONS TRUST FUND . . .	240,625		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	1,921,827		
	FROM LAND ACQUISITION TRUST FUND	199,236		
	FROM WATER MANAGEMENT LANDS TRUST FUND . .	49,519		

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1641	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	
1642	EXPENSES		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND	291,074	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	116,262	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	600,769	
	FROM LAND ACQUISITION TRUST FUND	18,630	
	FROM WATER MANAGEMENT LANDS TRUST FUND . .	6,612	
1643	OPERATING CAPITAL OUTLAY		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND	51,649	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	56,734	
1644	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	83,832	
1645	SPECIAL CATEGORIES		
	NATURAL AREAS INVENTORY		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND	445,895	
1646	SPECIAL CATEGORIES		
	PAYMENT IN LIEU OF TAXES		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND	1,660,000	
1647	SPECIAL CATEGORIES		
	FLORIDA FOREVER		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND	149,967	
1648	SPECIAL CATEGORIES		
	GREEN SWAMP		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND	99,994	
1648A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND	496,688	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	198,618	
1649	FIXED CAPITAL OUTLAY		
	DEBT SERVICE - FLORIDA FOREVER BONDS		
	FROM LAND ACQUISITION TRUST FUND	28,400,000	
1650	FIXED CAPITAL OUTLAY		
	DEBT SERVICE - FLORIDA FOREVER BONDS - NEW		
	SERIES		
	FROM LAND ACQUISITION TRUST FUND	5,000,000	

Funds in Specific Appropriation 1650 are for debt service requirements for the second series of Florida Forever bonds.

1651	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION, ENVIRONMENTALLY		
	ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,		
	STATEWIDE		
	FROM FLORIDA FOREVER TRUST FUND	105,000,000	
1652	FIXED CAPITAL OUTLAY		
	DEBT SERVICE		
	FROM LAND ACQUISITION TRUST FUND	274,902,805	

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Funds provided in Specific Appropriation 1652 are for Fiscal Year 2001-2002 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.

1653	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY AID TO WATER MANAGEMENT DISTRICTS-LAND ACQUISITION	
	FROM FLORIDA FOREVER TRUST FUND	80,000,000
	FROM WATER MANAGEMENT LANDS TRUST FUND . .	50,000,000

Funds provided in Specific Appropriation 1653 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 1653 from the Water Management Lands Trust Fund for the purpose of carrying out the provisions of s. 373.451 - 373.4595, Florida Statutes.

TOTAL: LAND ADMINISTRATION		
FROM TRUST FUNDS		552,142,616
TOTAL POSITIONS	67	
TOTAL ALL FUNDS		552,142,616

LAND MANAGEMENT

From the funds in Specific Appropriations 1635 through 1662, 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 2001-2002 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%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1654	SALARIES AND BENEFITS POSITIONS	86
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	633,757
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	3,317,845
1655	OTHER PERSONAL SERVICES	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	914,659
	FROM GRANTS AND DONATIONS TRUST FUND . . .	874,024
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	76,519
1656	EXPENSES	
	FROM CONSERVATION AND RECREATION LANDS	

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	TRUST FUND	978,245
	FROM FORFEITED PROPERTY TRUST FUND	47,500
	FROM GRANTS AND DONATIONS TRUST FUND . . .	433,457
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	1,711,627

1657	OPERATING CAPITAL OUTLAY	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	44,148
	FROM GRANTS AND DONATIONS TRUST FUND . . .	150,000
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	116,484

1657A	SPECIAL CATEGORIES	
	TRANSFER TO DEPARTMENT OF AGRICULTURE PLANT INDUSTRY TRUST FUND	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	250,000

1658	SPECIAL CATEGORIES	
	STATE LANDS STEWARDSHIP	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	375,000

1658A	SPECIAL CATEGORIES	
	NATIONAL OCEAN SURVEY	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	84,000

1659	SPECIAL CATEGORIES	
	RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES	
	FROM FORFEITED PROPERTY TRUST FUND	716,932

1660	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	40,125

1660A	SPECIAL CATEGORIES	
	TOPOGRAPHIC MAPPING	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	200,000

1661	SPECIAL CATEGORIES	
	INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	7,198,739

From the funds in Specific Appropriation 1661, up to \$300,000 is provided to the Department of Environmental Protection for the purpose of a pilot project to map and determine acreage of sovereignty lands using remote sensing satellite data obtained through NASA or its affiliates.

1661A	SPECIAL CATEGORIES	
	TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	11,091,313

1661B	SPECIAL CATEGORIES	
	TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR MANAGEMENT OF CARL LANDS	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	10,068,044

1661C	SPECIAL CATEGORIES	
	TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	3,884,930

1661D	SPECIAL CATEGORIES	
	TRANSFER TO STATE GAME TRUST FUND	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	4,455,500

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1662	SPECIAL CATEGORIES		
	WATER MANAGEMENT DISTRICT PROPERTY TAXES		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	50,000	
1662A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM CONSERVATION AND RECREATION LANDS		
	TRUST FUND	68,013	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	508,718	
1663	FIXED CAPITAL OUTLAY		
	BELLE GLADE HAZARDOUS WASTE CLEANUP		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	500,000	
1664	FIXED CAPITAL OUTLAY		
	CASCADES PARK - SITE CONTAMINATION		
	ASSESSMENT		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	1,000,000	
TOTAL:	LAND MANAGEMENT		
	FROM TRUST FUNDS	49,789,579	
	TOTAL POSITIONS	86	
	TOTAL ALL FUNDS	49,789,579	

PROGRAM: DISTRICT OFFICES

WATER RESOURCE PROTECTION AND RESTORATION			
1665	SALARIES AND BENEFITS	POSITIONS	460
	FROM GENERAL REVENUE FUND	11,917,721	
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND	175,585	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	403,592	
	FROM LAND ACQUISITION TRUST FUND	1,058,818	
	FROM PERMIT FEE TRUST FUND	4,271,909	
	FROM WATER QUALITY ASSURANCE TRUST FUND .	2,964,163	
1666	OTHER PERSONAL SERVICES		
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND	135,000	
	FROM WATER QUALITY ASSURANCE TRUST FUND .	59,303	
1667	EXPENSES		
	FROM GENERAL REVENUE FUND	172,076	
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND	532,611	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	35,196	
	FROM LAND ACQUISITION TRUST FUND	218,492	
	FROM PERMIT FEE TRUST FUND	318,036	
	FROM WATER QUALITY ASSURANCE TRUST FUND .	1,029,983	
1668	SPECIAL CATEGORIES		
	WATER QUALITY MANAGEMENT/PLANNING GRANTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .	38,217	
1669	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND	14,307	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	2,304	
	FROM PERMIT FEE TRUST FUND	6,633	
	FROM WATER QUALITY ASSURANCE TRUST FUND .	15,908	
TOTAL:	WATER RESOURCE PROTECTION AND RESTORATION		
	FROM GENERAL REVENUE FUND	12,089,797	
	FROM TRUST FUNDS	11,280,057	
	TOTAL POSITIONS	460	
	TOTAL ALL FUNDS	23,369,854	

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AIR ASSESSMENT			
1670	SALARIES AND BENEFITS	POSITIONS	18
	FROM AIR POLLUTION CONTROL TRUST FUND . .		720,866
	FROM GRANTS AND DONATIONS TRUST FUND . . .		146,164
1671	OTHER PERSONAL SERVICES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		28,445
1672	EXPENSES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		91,143
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,272
1673	OPERATING CAPITAL OUTLAY		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		12,763
1673A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		42,924
TOTAL:	AIR ASSESSMENT		
	FROM TRUST FUNDS		1,082,577
	TOTAL POSITIONS	18	
	TOTAL ALL FUNDS		1,082,577

AIR POLLUTION PREVENTION

1674	SALARIES AND BENEFITS	POSITIONS	81
	FROM AIR POLLUTION CONTROL TRUST FUND . .		3,841,705
1675	OTHER PERSONAL SERVICES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		174,156
1676	EXPENSES		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		523,447
1677	OPERATING CAPITAL OUTLAY		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		118,313
1678	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		13,968
1678A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		281,895
TOTAL:	AIR POLLUTION PREVENTION		
	FROM TRUST FUNDS		4,953,484
	TOTAL POSITIONS	81	
	TOTAL ALL FUNDS		4,953,484

WASTE CONTROL

1679	SALARIES AND BENEFITS	POSITIONS	160
	FROM GENERAL REVENUE FUND	480,757	
	FROM INLAND PROTECTION TRUST FUND		2,013,247
	FROM GRANTS AND DONATIONS TRUST FUND . . .		990,693
	FROM PERMIT FEE TRUST FUND		368,467
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		1,298,711
	FROM WATER QUALITY ASSURANCE TRUST FUND .		2,275,364
1680	OTHER PERSONAL SERVICES		
	FROM INLAND PROTECTION TRUST FUND		110,000
1681	EXPENSES		
	FROM GENERAL REVENUE FUND	37,776	
	FROM INLAND PROTECTION TRUST FUND		259,262

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	FROM GRANTS AND DONATIONS TRUST FUND . . .	107,582
	FROM PERMIT FEE TRUST FUND	39,178
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .	153,517
	FROM WATER QUALITY ASSURANCE TRUST FUND .	246,024
1682	OPERATING CAPITAL OUTLAY	
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .	81,225
1683	SPECIAL CATEGORIES	
	ACQUISITION OF MOTOR VEHICLES	
	FROM INLAND PROTECTION TRUST FUND	183,000
1684	SPECIAL CATEGORIES	
	HAZARDOUS WASTE CLEANUP	
	FROM WATER QUALITY ASSURANCE TRUST FUND .	120,594
1685	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM INLAND PROTECTION TRUST FUND	4,021
	FROM GRANTS AND DONATIONS TRUST FUND . . .	4,356
1686	SPECIAL CATEGORIES	
	RESEARCH, DEVELOPMENT AND TECHNICAL	
	ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM	
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .	14,000
1686A	DATA PROCESSING SERVICES	
	ENVIRONMENTAL PROTECTION MANAGEMENT	
	INFORMATION CENTER	
	FROM INLAND PROTECTION TRUST FUND	191,824
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .	147,997
TOTAL:	WASTE CONTROL	
	FROM GENERAL REVENUE FUND	518,533
	FROM TRUST FUNDS	8,609,062
	TOTAL POSITIONS	160
	TOTAL ALL FUNDS	9,127,595
EXECUTIVE DIRECTION AND SUPPORT SERVICES		
1687	SALARIES AND BENEFITS POSITIONS	101
	FROM GENERAL REVENUE FUND	4,143,377
	FROM ADMINISTRATIVE TRUST FUND	320,764
	FROM AIR POLLUTION CONTROL TRUST FUND . .	225,641
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .	247,116
1688	OTHER PERSONAL SERVICES	
	FROM ADMINISTRATIVE TRUST FUND	127,564
	FROM WATER QUALITY ASSURANCE TRUST FUND .	200,000
1689	EXPENSES	
	FROM GENERAL REVENUE FUND	1,548,184
	FROM ADMINISTRATIVE TRUST FUND	582,783
	FROM AIR POLLUTION CONTROL TRUST FUND . .	37,798
	FROM LAND ACQUISITION TRUST FUND	27,923
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .	39,739
	FROM WATER QUALITY ASSURANCE TRUST FUND .	50,000
1690	OPERATING CAPITAL OUTLAY	
	FROM ADMINISTRATIVE TRUST FUND	18,405
1691	SPECIAL CATEGORIES	
	ACQUISITION OF MOTOR VEHICLES	
	FROM GENERAL REVENUE FUND	34,257
1692	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	60,258
	FROM ADMINISTRATIVE TRUST FUND	31,973
1692A	DATA PROCESSING SERVICES	
	ENVIRONMENTAL PROTECTION MANAGEMENT	

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	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	6,163,646
	FROM TRUST FUNDS	1,919,651
	TOTAL POSITIONS	101
	TOTAL ALL FUNDS	8,083,297
WASTE CLEANUP		
1694	SALARIES AND BENEFITS POSITIONS	1
	FROM WATER QUALITY ASSURANCE TRUST FUND .	89,736
1695	SPECIAL CATEGORIES	
	HAZARDOUS WASTE CLEANUP	
	FROM WATER QUALITY ASSURANCE TRUST FUND .	70,000
TOTAL:	WASTE CLEANUP	
	FROM TRUST FUNDS	159,736
	TOTAL POSITIONS	1
	TOTAL ALL FUNDS	159,736
PROGRAM: RESOURCE ASSESSMENT AND MANAGEMENT		
FLORIDA GEOLOGICAL SURVEY		
1696	SALARIES AND BENEFITS POSITIONS	40
	FROM MINERALS TRUST FUND	1,837,162
	FROM WATER QUALITY ASSURANCE TRUST FUND .	115,520
1697	OTHER PERSONAL SERVICES	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	442,229
	FROM MINERALS TRUST FUND	51,304
1698	EXPENSES	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	790,135
	FROM MINERALS TRUST FUND	369,323
	FROM WATER QUALITY ASSURANCE TRUST FUND .	441,820
1699	OPERATING CAPITAL OUTLAY	
	FROM GRANTS AND DONATIONS TRUST FUND . . .	40,000
	FROM MINERALS TRUST FUND	20,000
	FROM WATER QUALITY ASSURANCE TRUST FUND .	16,104
1700	SPECIAL CATEGORIES	
	ACQUISITION OF MOTOR VEHICLES	
	FROM MINERALS TRUST FUND	212,745
1701	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM MINERALS TRUST FUND	14,343
1701A	DATA PROCESSING SERVICES	
	ENVIRONMENTAL PROTECTION MANAGEMENT	
	INFORMATION CENTER	
	FROM MINERALS TRUST FUND	65,456
TOTAL:	FLORIDA GEOLOGICAL SURVEY	
	FROM TRUST FUNDS	4,416,141
	TOTAL POSITIONS	40
	TOTAL ALL FUNDS	4,416,141
LABORATORY SERVICES		
1703	SALARIES AND BENEFITS POSITIONS	82
	FROM GENERAL REVENUE FUND	400,106
	FROM ENVIRONMENTAL LABORATORY TRUST FUND .	3,296,565

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1704	OTHER PERSONAL SERVICES FROM ENVIRONMENTAL LABORATORY TRUST FUND	304,590
1705	EXPENSES FROM GENERAL REVENUE FUND 44,491 FROM ENVIRONMENTAL LABORATORY TRUST FUND	1,637,994
1706	OPERATING CAPITAL OUTLAY FROM ENVIRONMENTAL LABORATORY TRUST FUND	350,000
1707	SPECIAL CATEGORIES GROUND WATER QUALITY MONITORING NETWORK FROM WATER QUALITY ASSURANCE TRUST FUND	125,000
1708	SPECIAL CATEGORIES WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT FROM ENVIRONMENTAL LABORATORY TRUST FUND	519,764
1709	SPECIAL CATEGORIES EVERGLADES LAB SUPPORT FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND	494,180
1710	SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND	357,000
1711	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND 252,440 FROM ENVIRONMENTAL LABORATORY TRUST FUND	13,725
TOTAL:	LABORATORY SERVICES FROM GENERAL REVENUE FUND 697,037 FROM TRUST FUNDS	7,098,818
	TOTAL POSITIONS 82	
	TOTAL ALL FUNDS	7,795,855
MERCURY MONITORING AND RESEARCH		
1713	SALARIES AND BENEFITS POSITIONS 2 FROM ENVIRONMENTAL LABORATORY TRUST FUND	153,860
1714	OTHER PERSONAL SERVICES FROM ENVIRONMENTAL LABORATORY TRUST FUND	950,000
1715	EXPENSES FROM ENVIRONMENTAL LABORATORY TRUST FUND	35,207
1716	SPECIAL CATEGORIES SPECIAL STUDIES FROM AIR POLLUTION CONTROL TRUST FUND	500,000
TOTAL:	MERCURY MONITORING AND RESEARCH FROM TRUST FUNDS	1,639,067
	TOTAL POSITIONS 2	
	TOTAL ALL FUNDS	1,639,067
INFORMATION TECHNOLOGY		
1716A	SALARIES AND BENEFITS POSITIONS 68 FROM WORKING CAPITAL TRUST FUND	3,298,142
1716B	OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND	400,000
1716C	EXPENSES FROM WORKING CAPITAL TRUST FUND	3,111,698

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1716D	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND	110,000
1716E	SPECIAL CATEGORIES INTEGRATED DATABASE FOR REGULATORY APPLICATIONS FROM AIR POLLUTION CONTROL TRUST FUND 1,528,210 FROM PERMIT FEE TRUST FUND	1,100,000
1716F	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM WORKING CAPITAL TRUST FUND	7,183
1716G	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM WORKING CAPITAL TRUST FUND	920,147
TOTAL:	INFORMATION TECHNOLOGY FROM TRUST FUNDS	10,475,380
	TOTAL POSITIONS 68	
	TOTAL ALL FUNDS	10,475,380
PROGRAM: WATER RESOURCE MANAGEMENT		
BEACH MANAGEMENT		
1718	SALARIES AND BENEFITS POSITIONS 74 FROM GENERAL REVENUE FUND 2,867,290 FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 259,473 FROM PERMIT FEE TRUST FUND	218,848
1719	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	497,857
1720	EXPENSES FROM GENERAL REVENUE FUND 467,524 FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 48,853 FROM PERMIT FEE TRUST FUND	307,101
1721	OPERATING CAPITAL OUTLAY FROM PERMIT FEE TRUST FUND	79,519
1722	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	8,129
1722A	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND	26,146
1724	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY BEACH PROJECTS - STATEWIDE FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND	30,000,000

Funds in Specific Appropriation 1724 fund the priority list included in the Florida Beach Erosion Control Program dated January 23,2001. From the \$1,200,000 included in this priority list for Statewide Inlet/Beach Management Plans, \$115,000 shall be provided for the St. Lucie Inlet Management Plan and \$81,000 shall be provided for Hutchinson Island Beach Nourishment.

In accordance with the provisions of chapter 161.082, 161.091 and 161.161, F.S., the Department shall utilize up to 10% of the funds appropriated in Specific Appropriation 1724 to adjust the state/local cost share of local government projects that include efficient and effective project components that extend the maintenance period of beach

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restoration projects or for local government projects which require preventative actions while awaiting beach restoration projects. Additionally, any and all funds saved by the use of alternative methods shall be used to fund other projects on the approved list.

1724A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY TO SAVE SOUTH AMELIA ISLAND STATE PARK FROM LAND ACQUISITION TRUST FUND	5,000,000
TOTAL:	BEACH MANAGEMENT	
	FROM GENERAL REVENUE FUND	3,866,946
	FROM TRUST FUNDS	35,913,794
	TOTAL POSITIONS	74
	TOTAL ALL FUNDS	39,780,740
WATER RESOURCE PROTECTION AND RESTORATION		
1725	SALARIES AND BENEFITS POSITIONS 274	
	FROM GENERAL REVENUE FUND	2,281,765
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND	251,442
	FROM GRANTS AND DONATIONS TRUST FUND	5,565,881
	FROM LAND ACQUISITION TRUST FUND	526,970
	FROM MINERALS TRUST FUND	1,861,852
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND	717,513
	FROM PERMIT FEE TRUST FUND	716,918
	FROM WATER QUALITY ASSURANCE TRUST FUND	2,394,684
1726	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	20,994
	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	2,933,456
1727	EXPENSES	
	FROM GENERAL REVENUE FUND	245,743
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND	65,251
	FROM LAND ACQUISITION TRUST FUND	37,937
	FROM MINERALS TRUST FUND	410,648
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND	86,065
	FROM PERMIT FEE TRUST FUND	596,141
	FROM WATER QUALITY ASSURANCE TRUST FUND	645,354
1728	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND	453,000
1729	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE	
	FROM PERMIT FEE TRUST FUND	250,000
1730	OPERATING CAPITAL OUTLAY FROM NON-MANDATORY LAND RECLAMATION TRUST FUND	53,500
1731	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES	
	FROM GRANTS AND DONATIONS TRUST FUND	200,000
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND	103,436

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1732	SPECIAL CATEGORIES GROUND WATER QUALITY MONITORING NETWORK FROM WATER QUALITY ASSURANCE TRUST FUND	1,298,745
1733	SPECIAL CATEGORIES WATER QUALITY MANAGEMENT/PLANNING GRANTS FROM GRANTS AND DONATIONS TRUST FUND	6,527,597
1734	SPECIAL CATEGORIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM FROM PERMIT FEE TRUST FUND	1,783,140
1735	SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND	2,549,943
1736	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	60,897
1736A	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT FROM INLAND PROTECTION TRUST FUND	1,285,197
1737	SPECIAL CATEGORIES HABITAT RESTORATION FROM NON-MANDATORY LAND RECLAMATION TRUST FUND	200,000
1738	SPECIAL CATEGORIES U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT FROM GRANTS AND DONATIONS TRUST FUND	78,500
	FROM WATER QUALITY ASSURANCE TRUST FUND	214,897
1739	SPECIAL CATEGORIES UNDERGROUND STORAGE TANK CLEANUP FROM INLAND PROTECTION TRUST FUND	300,000
1740	SPECIAL CATEGORIES WATER WELL CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND	1,581,061
1740A	SPECIAL CATEGORIES TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - LAKEWATCH FROM WATER QUALITY ASSURANCE TRUST FUND	450,000
1740B	SPECIAL CATEGORIES TRANSFER TO ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND - WATER PROJECTS FROM GENERAL REVENUE FUND	79,838,470
	FROM INTERNAL IMPROVEMENT TRUST FUND	6,000,000
	FROM WATER MANAGEMENT LANDS TRUST FUND	2,800,000
1740C	SPECIAL CATEGORIES TRANSFER INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - FLORIDA LAKEWATCH/PROJECT COAST FROM WATER QUALITY ASSURANCE TRUST FUND	400,000
1741	SPECIAL CATEGORIES WETLANDS PROTECTION FROM GENERAL REVENUE FUND	100,000
	FROM GRANTS AND DONATIONS TRUST FUND	284,459
	FROM WATER QUALITY ASSURANCE TRUST FUND	750,000

Funds in Specific Appropriation 1741 include \$100,000 in nonrecurring General Revenue for the Wetlands Learning Lab Demonstration Project at the IGFA Fishing Hall of Fame and Museum in Broward County.

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1742 SPECIAL CATEGORIES
TRANSFER TO SAVE OUR EVERGLADES TRUST FUND
FROM FLORIDA PRESERVATION 2000 TRUST
FUND 75,000,000

Funds provided in Specific Appropriation 1742 shall be derived from the Comptroller's cash balance of the Florida Preservation 2000 Trust Fund as of July 1, 2001. The funds needed to complete the signed contracts or execute the options for purchases under the Florida Preservation 2000 program entered into by June 30, 2001, shall be taken from the cash balance of the Florida Forever Trust Fund on July 1, 2001. The remaining funds in the Florida Forever Trust Fund shall be distributed in accordance with s. 259.105, Florida Statutes.

1742A DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM GENERAL REVENUE FUND 55,092
FROM GRANTS AND DONATIONS TRUST FUND 128,447
FROM PERMIT FEE TRUST FUND 628,604
FROM WATER QUALITY ASSURANCE TRUST FUND 816,306

1744 FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION
TRUST FUND 10,000,000

1745 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AID - NON-POINT SOURCE (NPS)
MANAGEMENT PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND 10,000,000
FROM WATER QUALITY ASSURANCE TRUST FUND 2,800,000

1746 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
DRINKING WATER FACILITY CONSTRUCTION -
STATE REVOLVING LOAN
FROM GENERAL REVENUE FUND 5,000,000
FROM DRINKING WATER REVOLVING LOAN TRUST
FUND 32,000,000

1747 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
WASTEWATER TREATMENT FACILITY CONSTRUCTION
FROM GENERAL REVENUE FUND 8,500,000
FROM WASTEWATER TREATMENT AND STORMWATER
MANAGEMENT REVOLVING LOAN TRUST FUND 125,250,000

1747A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SOUTH FLORIDA STORM WATER/FLOOD MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND 20,000,000

Funds provided in Specific Appropriation 1747A are provided to the South Florida Water Management District for storm water/flood mitigation projects in the counties of Palm Beach, Broward and Miami-Dade. The district shall develop a plan for this program in the tri-county area, with an emphasis on projects in areas which have suffered severe flood damage during recent hurricanes and tropical storms.

These funds reflect the transfer of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to s. 215.555(7), Florida Statutes. The Legislature finds that storm water and flood control is an integral component both of potential losses in the event of a hurricane and protecting local infrastructure from potential damage from a hurricane.

1748 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
STATEWIDE RESTORATION PROJECTS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 88,638,470

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From the funds in Specific Appropriation 1748, the following Water Projects are appropriated:

Airport Industrial Park Wastewater & Conveyance System--
St. Lucie..... 100,000
Apalachicola River & Bay Restoration..... 970,000
Astor/Astor Park Wastewater Facility-- Lake County..... 1,000,000
Bayside Water Treatment Plant--Brevard..... 75,000
Big Coppitt Wastewater Collection--Monroe..... 100,000
Big Escambia Creek Restoration-- Escambia..... 300,000
Big Tree Stormwater Treatment Facility-- Volusia..... 300,000
Biscayne Bay Restoration..... 6,000,000
Brooksville Citywide Sewer System Rehabilitation--Hernando.. 500,000
Carrabelle Wastewater Improvements--Franklin..... 1,050,000
Chassahowitzka Wastewater Collection System..... 1,000,000
Chipley Domestic Wastewater Treatment Plant & Disposal--
Washington..... 1,000,000
Choctawhatchee River/Bay..... 750,000
City of Blountstown Sewer Expansion Upgrade--Calhoun..... 750,000
City of Chattahoochee Wastewater Treatment Facility
Improvement Program--Gadsden..... 150,000
City of Clearwater Stevenson Creek Estuary..... 1,000,000
City of Opa-locka Canal Cleaning-- Dade..... 350,000
City of South Daytona - Nova/Reed Canal Basin Stormwater
Facility--Volusia..... 400,000
City of West Miami Wastewater Collection System..... 1,000,000
Curiosity Creek, Sulphur Springs Sinks Restoration Project--
Hillsborough..... 500,000
East Miramar Master Drainage Study--Broward..... 300,000
East Palatka Regional Wastewater System--Putnam..... 550,000
East Pass - Restoration, Bay County..... 500,000
Eglin Parkway (SR 85) Stormwater Improvements..... 40,000
Eliminating Sewage Overflow to the Lake Worth Lagoon..... 1,000,000
Emergency Generator Winson Water Plant--Dade..... 200,000
Escambia County Utility Authority Pipeline - planning funds. 1,000,000
Four 4 Corners Drainage Improvements..... 500,000
Funding for Non-Functional Septic Tanks (Anastasia Island).. 800,000
Funding for Non-Functional Septic Tanks (Ponte Vedra)..... 800,000
Gator Slough Watershed Enhancement and Management-- Lee.... 1,000,000
Glades County Wastewater Improvements..... 800,000
Graceville Wastewater Collection Improvements--Jackson..... 1,155,000
Gravity Sewer System Improvements..... 400,000
Hardee County Wastewater System..... 1,400,000
High Springs WasteWater--Alachua..... 750,000
Highland Village Stormwater System Improvement..... 300,000
Holloway Irrigation System..... 500,000
Homosassa Water Collection System, Phase III--Citrus..... 750,000
Human and Animal Health & Effects from Persistent Toxic
Algae Blooms in the Harris Chain of Lakes..... 145,000
Implementation of BMP's for water conservation
at USF Golf Course..... 500,000
Indian River Lagoon Initiative--Brevard, Indian River..... 4,000,000
Islamorada Canal Improvement Master Plan
Implementation--Monroe..... 40,000
Lake Okeechobee Restoration Project--Palm Beach..... 10,000,000
Lake Okeechobee Wastewater Trust..... 1,300,000
Lake Panasoffkee Restoration..... 1,000,000
Lake Trafford Restoration..... 1,400,000
Loxahatchee River Preservation Initiative..... 1,000,000
Miami River Commission Operational Funding--Dade..... 150,000
Miami River Dredging Project--Dade..... 2,225,000
Middle St. Johns River Basin Initiative, FY 2001-2002..... 6,000,000
Modernizing Governance of Water Management--Broward County.. 100,000
Monroe County Stormwater Improvement Project..... 500,000
Moore Haven, Ranch Lakes Estates, Stormwater..... 200,000
North Labelle Water and Sewer Improvements--Hendry..... 200,000
North Palm Beach County Water Management Plan
Implementation..... 1,000,000
NW 6th Street Stormwater Drainage Project--Citrus..... 100,000
Pahokee Wastewater Improvements--Palm Beach..... 500,000
Pasco County Purchase of Utility-wastewater..... 2,500,000
Pembroke Park Wastewater Improvements--Broward..... 250,000
Pensacola Bay System..... 1,130,000
Perry Wastewater Improvements--Taylor..... 250,000

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Table with 2 columns: Description and Amount. Includes items like Phillippi Creek Septic Tank Replacement Project, Sarasota, Potable Water Improvements-Madison, etc.

From the \$145,000 provided in Specific Appropriation 1748 for Algae Blooms in the Harris Chain of Lakes, \$45,000 shall be provided to the St. Johns River Water Management District for paying administrative, per diem, and travel expenses of the Harris Chain of Lakes Restoration Council and \$100,000 shall be provided to the Fish and Wildlife Conservation Commission to conduct a demonstration restoration project on the Harris Chain of Lakes.

Table with 2 columns: Description and Amount. Includes items like 1749 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY EVERGLADES RESTORATION, 1749A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY OUTER CONTINENTAL SHELF GRANT.

Funds are provided in Specific Appropriation 1749A from the Outer Continental Shelf Grants as follows:

Table with 2 columns: Description and Amount. Includes items like Lower St. Johns River, Charlotte Harbor, Sarasota Bay, Tampa Bay Restoration, St. Lucie River Initiative, Biscayne Bay Cleanup, Miami-Dade County's Watershed Planning Project, Oceans Economic Impact Study, Grants to Counties.

Table with 2 columns: Description and Amount. Includes item 1750 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SMALL COUNTY WASTEWATER TREATMENT GRANTS FROM GRANTS AND DONATIONS TRUST FUND . . . 3,500,000

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Table with 2 columns: Description and Amount. Includes TOTAL: WATER RESOURCE PROTECTION AND RESTORATION, FROM GENERAL REVENUE FUND 96,102,961, FROM TRUST FUNDS 480,853,878, TOTAL POSITIONS 274, TOTAL ALL FUNDS 576,956,839

WATER SUPPLY

From the funds in Specific Appropriations 1718 through 1755, the Water Resource Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Table with 2 columns: Measure - Outcomes and Standards. Includes Performance FY 2001-2002 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 2001-2002 Implementing Bill and are incorporated herein by reference.

Table with 2 columns: Description and Amount. Includes items like 1751 SALARIES AND BENEFITS POSITIONS 14, FROM GENERAL REVENUE FUND 698,419, FROM GRANTS AND DONATIONS TRUST FUND 63,264, 1752 EXPENSES, FROM GENERAL REVENUE FUND 223,843, FROM GRANTS AND DONATIONS TRUST FUND 18,485, 1753 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS FROM GENERAL REVENUE FUND 329,977, 1754 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS FROM GENERAL REVENUE FUND 1,044,926, 1755 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION FROM GENERAL REVENUE FUND 547,000, 1755A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY POTABLE WATER RESOURCE STUDY - OKALOOSA COUNTY FROM GENERAL REVENUE FUND 250,000

Funds in Specific Appropriation 1755A, are provided for alternative water supplies and water resource development in Okaloosa County by the Northwest Florida Water Management District.

Table with 2 columns: Description and Amount. Includes item 1755B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY OTIMIZATION OF RECLAIMED WATER TO MEET FUTURE NEEDS FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 1755B are provided to the City of Tampa Sewer Department.

Table with 2 columns: Description and Amount. Includes item 1755C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY RECLAIMED WATER REUSE SYSTEM EXPANSION FROM GENERAL REVENUE FUND 184,135

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TOTAL: WATER SUPPLY			
FROM GENERAL REVENUE FUND	3,378,300		
FROM TRUST FUNDS		81,749	
TOTAL POSITIONS	14		
TOTAL ALL FUNDS		3,460,049	
PROGRAM: WASTE MANAGEMENT			
WASTE CLEANUP			
1756 SALARIES AND BENEFITS POSITIONS		104	
FROM GENERAL REVENUE FUND	75,797		
FROM INLAND PROTECTION TRUST FUND		3,489,849	
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		1,407	
FROM WATER QUALITY ASSURANCE TRUST FUND .		1,157,852	
1758 EXPENSES			
FROM GENERAL REVENUE FUND	5,351		
FROM INLAND PROTECTION TRUST FUND		492,105	
FROM SOLID WASTE MANAGEMENT TRUST FUND . .		4,264	
FROM WATER QUALITY ASSURANCE TRUST FUND .		148,083	
1759 AID TO LOCAL GOVERNMENTS			
PETROLEUM TANKS CLEANUP - ADVANCE WORKING CAPITAL			
FROM INLAND PROTECTION TRUST FUND		1,845,397	
1760 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	
1761 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM WATER QUALITY ASSURANCE TRUST FUND .		2,883	
1762 SPECIAL CATEGORIES			
PAYMENT OF SETTLEMENT AGREEMENT - TOWER INCORPORATED			
FROM INLAND PROTECTION TRUST FUND		1,600,000	
1763 SPECIAL CATEGORIES			
HAZARDOUS WASTE CLEANUP			
FROM WATER QUALITY ASSURANCE TRUST FUND .		6,367,417	
1764 SPECIAL CATEGORIES			
INLAND PROTECTION FINANCING CORPORATION			
FROM INLAND PROTECTION TRUST FUND		50,955,767	
1765 SPECIAL CATEGORIES			
DRYCLEANING CONTAMINATION CLEANUP			
FROM WATER QUALITY ASSURANCE TRUST FUND .		12,398,214	
1766 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM INLAND PROTECTION TRUST FUND		21,547	
FROM WATER QUALITY ASSURANCE TRUST FUND .		8,355	
1766A SPECIAL CATEGORIES			
TRANSFER TO OTHER AGENCIES FOR IMPLEMENTATION OF HOUSE BILL 1671			
FROM WATER QUALITY ASSURANCE TRUST FUND .		231,092	
1767 SPECIAL CATEGORIES			
UNDERGROUND STORAGE TANK CLEANUP			
FROM INLAND PROTECTION TRUST FUND		19,575,570	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,381,866	
1767A DATA PROCESSING SERVICES			
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER			
FROM INLAND PROTECTION TRUST FUND		204,605	

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1769 FIXED CAPITAL OUTLAY			
CLEANUP OF STATE OWNED LANDS			
FROM INLAND PROTECTION TRUST FUND			2,000,000
1770 FIXED CAPITAL OUTLAY			
WASTE TIRE ABATEMENT			
FROM SOLID WASTE MANAGEMENT TRUST FUND . .			250,000
1771 FIXED CAPITAL OUTLAY			
PETROLEUM TANKS CLEANUP - PREAPPROVALS			
FROM INLAND PROTECTION TRUST FUND			108,734,608
TOTAL: WASTE CLEANUP			
FROM GENERAL REVENUE FUND		81,148	
FROM TRUST FUNDS			210,927,058
TOTAL POSITIONS		104	
TOTAL ALL FUNDS			211,008,206

WASTE CONTROL

From the funds in Specific Appropriations 1756 through 1792, the Waste Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

Cumulative percent of contaminated program sites with cleanup completed.....	19%
=====	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1772 SALARIES AND BENEFITS POSITIONS		158	
FROM INLAND PROTECTION TRUST FUND			1,125,002
FROM GRANTS AND DONATIONS TRUST FUND . . .			1,803,562
FROM PERMIT FEE TRUST FUND			40,895
FROM SOLID WASTE MANAGEMENT TRUST FUND . .			2,137,088
FROM WATER QUALITY ASSURANCE TRUST FUND .			2,405,583
1773 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 . .			149,982
FROM WATER QUALITY ASSURANCE TRUST FUND .			12,000
1774 EXPENSES			
FROM INLAND PROTECTION TRUST FUND			165,198
FROM GRANTS AND DONATIONS TRUST FUND . . .			628,826
FROM PERMIT FEE TRUST FUND			6,712
FROM SOLID WASTE MANAGEMENT TRUST FUND . .			362,446
FROM WATER QUALITY ASSURANCE TRUST FUND .			447,664
1775 AID TO LOCAL GOVERNMENTS			
GRANTS AND AIDS - SOUTHERN WASTE INFORMATION EXCHANGE CLEARING HOUSE			
FROM SOLID WASTE MANAGEMENT TRUST FUND . .			300,000
1776 AID TO LOCAL GOVERNMENTS			
GRANTS AND AIDS - OPERATION CLEAN SWEEP			
FROM SOLID WASTE MANAGEMENT TRUST FUND . .			300,000
1778 AID TO LOCAL GOVERNMENTS			
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION			
FROM WATER QUALITY ASSURANCE TRUST FUND .			599,994

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1779	OPERATING CAPITAL OUTLAY
	FROM INLAND PROTECTION TRUST FUND
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	FROM WATER QUALITY ASSURANCE TRUST FUND .
	13,238
	57,041
	44,082
1780	SPECIAL CATEGORIES
	ACQUISITION OF MOTOR VEHICLES
	FROM WATER QUALITY ASSURANCE TRUST FUND .
	9,128
1781	SPECIAL CATEGORIES
	STORAGE TANK COMPLIANCE VERIFICATION
	FROM INLAND PROTECTION TRUST FUND
	9,500,000
1781A	SPECIAL CATEGORIES
	TRANSFER TO DEPARTMENT OF TRANSPORTATION
	FOR ADOPT-A-HIGHWAY PROGRAM
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	400,000
1781B	SPECIAL CATEGORIES
	TRANSFER TO DEPARTMENT OF HEALTH FOR
	BIOMEDICAL WASTE REGULATION
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	880,000
1782	SPECIAL CATEGORIES
	DEMONSTRATION PROJECT FOR RECYCLING
	MERCURY-CONTAINING DEVICES
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	100,000
1783	SPECIAL CATEGORIES
	FEDERAL WASTE PLANNING GRANTS
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	483,500
1784	SPECIAL CATEGORIES
	HAZARDOUS WASTE SITES RESTORATION
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	1,999,847
1785	SPECIAL CATEGORIES
	HAZARDOUS WASTE COMPLIANCE ASSISTANCE AND
	EDUCATION
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	800,000
1785A	SPECIAL CATEGORIES
	TRANSFER TO DEPARTMENT OF TRANSPORTATION/
	RESEARCH AND DEMONSTRATION PROJECTS
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	150,000
1786	SPECIAL CATEGORIES
	POLLUTION RESTORATION CONTRACTS
	FROM ECOSYSTEM MANAGEMENT AND
	RESTORATION TRUST FUND
	199,880
1786A	SPECIAL CATEGORIES
	TRANSFER TO DEPARTMENT OF AGRICULTURE AND
	CONSUMER SERVICES - MOSQUITO CONTROL
	PROGRAM
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	2,278,598
1787	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM INLAND PROTECTION TRUST FUND
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	FROM WATER QUALITY ASSURANCE TRUST FUND .
	7,306
	14,577
	26,765
1787A	SPECIAL CATEGORIES
	TRANSFER TO BOARD OF REGENTS - RESEARCH
	AND TESTING
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	500,000
1787B	SPECIAL CATEGORIES
	TRANSFER TO DEPARTMENT OF REVENUE - SOLID
	WASTE TAX COLLECTION
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	110,000

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1787C	SPECIAL CATEGORIES
	TRANSFER TO DEPARTMENT OF EDUCATION SOLID
	WASTE PROGRAM
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	139,135
1787D	SPECIAL CATEGORIES
	BASELINE LITTER SURVEY/CENTER FOR SOLID
	AND HAZARDOUS WASTE MANAGEMENT
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	200,000
1787E	DATA PROCESSING SERVICES
	ENVIRONMENTAL PROTECTION MANAGEMENT
	INFORMATION CENTER
	FROM INLAND PROTECTION TRUST FUND
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	300,687
	583,590
1789	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
	SOLID WASTE MANAGEMENT
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	5,835,707
1790	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
	COMPOST AND LANDFILL RESEARCH AND DESIGN
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	1,000,000
1790A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
	FLORIDA ORGANICS RECYCLING CENTER OF
	EXCELLENCE
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	1,000,000
1791	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
	CHROMATED COPPER ARSENATE (CCA) TREATED
	LUMBER
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	50,000
1792	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
	RECYCLE LEAD ACID PRODUCTS
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .
	400,000
TOTAL: WASTE CONTROL	
	FROM GENERAL REVENUE FUND
	FROM TRUST FUNDS
	23,562
	38,026,555
TOTAL POSITIONS	
	158
TOTAL ALL FUNDS	
	38,050,117
PROGRAM: RECREATION AND PARKS	
LAND MANAGEMENT	
1793	SALARIES AND BENEFITS POSITIONS
	FROM CONSERVATION AND RECREATION LANDS
	TRUST FUND
	FROM LAND ACQUISITION TRUST FUND
	25,227
	1,024,802
1794	OTHER PERSONAL SERVICES
	FROM LAND ACQUISITION TRUST FUND
	1,109,600
1795	EXPENSES
	FROM CONSERVATION AND RECREATION LANDS
	TRUST FUND
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	FROM LAND ACQUISITION TRUST FUND
	4,417
	112,895
	639,535
1796	OPERATING CAPITAL OUTLAY
	FROM LAND ACQUISITION TRUST FUND
	25,000
1796A	SPECIAL CATEGORIES
	ACQUISITION OF MOTOR VEHICLES

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FROM CONSERVATION AND RECREATION LANDS TRUST FUND	34,039
1797 SPECIAL CATEGORIES MANAGEMENT OF WATER CONTROL STRUCTURES FROM LAND ACQUISITION TRUST FUND	1,221,414
1798 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM LAND ACQUISITION TRUST FUND	88,721
1799 SPECIAL CATEGORIES GREENWAYS CARL MANAGEMENT FUNDING FROM CONSERVATION AND RECREATION LANDS TRUST FUND	99,899
1800 SPECIAL CATEGORIES INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM FROM CONSERVATION AND RECREATION LANDS TRUST FUND	350,000
1801 FIXED CAPITAL OUTLAY ACQUISITION OF RAILROAD RIGHTS OF WAY FROM FLORIDA FOREVER TRUST FUND	4,500,000
1802 FIXED CAPITAL OUTLAY INVASIVE EXOTICS/GREENWAYS FROM LAND ACQUISITION TRUST FUND	127,000
1803 FIXED CAPITAL OUTLAY TRAILS DEVELOPMENT - STATEWIDE FROM LAND ACQUISITION TRUST FUND	3,100,000
1804A FIXED CAPITAL OUTLAY REPAIRS AND IMPROVEMENTS - INGLIS MAIN DAM - DMS MGD FROM LAND ACQUISITION TRUST FUND	500,000
1804B FIXED CAPITAL OUTLAY FLORIDA KEYS OVERSEAS HERITAGE TRAIL - DMS MGD FROM LAND ACQUISITION TRUST FUND	1,121,000
1806 FIXED CAPITAL OUTLAY LAND ACQUISITION FROM GRANTS AND DONATIONS TRUST FUND FROM LAND ACQUISITION TRUST FUND	935,000 25,000
From the funds in Specific Appropriation 1806, \$25,000 in the Land Acquisition Trust Fund is for land acquisition along the North Fork of the New River in Broward County	
1807 FIXED CAPITAL OUTLAY GREENWAY RECREATIONAL IMPROVEMENTS - INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT FROM GRANTS AND DONATIONS TRUST FUND	9,300,000
1808 FIXED CAPITAL OUTLAY OCKLAWAHA RIVER RESTORATION FROM LAND ACQUISITION TRUST FUND	800,000
Funds provided in Specific Appropriation 1808 for the Ocklawaha River Restoration are contingent upon Senate Bill 1246 or similar legislation becoming law.	
1809 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY NATIONAL RECREATIONAL TRAIL GRANTS FROM GRANTS AND DONATIONS TRUST FUND	3,800,000

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TOTAL: LAND MANAGEMENT FROM TRUST FUNDS	28,943,549
TOTAL POSITIONS	23
TOTAL ALL FUNDS	28,943,549
RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS	
1810 SALARIES AND BENEFITS POSITIONS FROM LAND ACQUISITION TRUST FUND	7 296,765
1811 OTHER PERSONAL SERVICES FROM LAND ACQUISITION TRUST FUND	50,000
1812 EXPENSES FROM LAND ACQUISITION TRUST FUND	33,227
1813 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY FEDERAL LAND AND WATER CONSERVATION FUND GRANTS FROM GRANTS AND DONATIONS TRUST FUND	3,819,272
1814 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS FROM FLORIDA FOREVER TRUST FUND FROM LAND ACQUISITION TRUST FUND	6,000,000 21,066,452
1814A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY BENNY RUSSEL PARK FROM LAND ACQUISITION TRUST FUND	200,000
1814B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY RODMAN PARK FROM LAND ACQUISITION TRUST FUND	300,000
1814C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY WALTON COUNTY GEOPARK BIKE TRAIL FROM LAND ACQUISITION TRUST FUND	1,900,000
1814D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SISTER CREEK PARK FROM LAND ACQUISITION TRUST FUND	1,500,000
1814E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY LOCAL PARKS FROM CONSERVATION AND RECREATION LANDS TRUST FUND	1,700,000
Funds in Specific Appropriation 1814E are provided for the following public recreation grants:	
Carpenter Sand Pine Preserve--Broward.....	300,000
Florida Oceanographic Society--Martin.....	400,000
Heritage Park Foundation in Pasco County.....	100,000
Phase Four/Upper Tampa Bay Trail.....	100,000
Jupiter Riverwalk--Palm Beach.....	200,000
Legion Waterfront Park--Dade.....	600,000
TOTAL: RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS FROM TRUST FUNDS	36,865,716
TOTAL POSITIONS	7
TOTAL ALL FUNDS	36,865,716

SECTION 5
SPECIFIC
APPROPRIATION
STATE PARK OPERATIONS

1815	SALARIES AND BENEFITS	POSITIONS	1,051
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		2,490,628
	FROM GRANTS AND DONATIONS TRUST FUND		35,389
	FROM STATE PARK TRUST FUND		33,487,059
1816	OTHER PERSONAL SERVICES		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		56,200
	FROM STATE PARK TRUST FUND		3,874,575
From funds provided in Specific Appropriation 1816 from the State Park Trust Fund, up to \$80,000 shall be used to conduct a cost benefit analysis of outsourcing certain maintenance and operating cost related to the Florida Park System to the private sector. The department shall submit a report on the study to the Legislature and to the Executive Office of the Governor no later than December 1, 2001.			
1817	EXPENSES		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		1,294,779
	FROM GRANTS AND DONATIONS TRUST FUND		6,960
	FROM STATE PARK TRUST FUND		12,144,695
1818	OPERATING CAPITAL OUTLAY		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		207,150
	FROM STATE PARK TRUST FUND		500,335
1819	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE PARK TRUST FUND		747,224
1819A	SPECIAL CATEGORIES		
	TRANSFER TO THE DEPARTMENT OF COMMUNITY AFFAIRS - FLORIDA COMMUNITIES TRUST		
	FROM LAND ACQUISITION TRUST FUND		1,148,854
1820	SPECIAL CATEGORIES		
	DISTRIBUTION OF SURCHARGE FEES		
	FROM STATE PARK TRUST FUND		550,000
1821	SPECIAL CATEGORIES		
	DISBURSE DONATIONS		
	FROM GRANTS AND DONATIONS TRUST FUND		310,000
	FROM STATE PARK TRUST FUND		250,000
1821A	SPECIAL CATEGORIES		
	AMERICORPS PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND		850,000
1822	SPECIAL CATEGORIES		
	OUTSOURCING/PRIVATIZATION		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		1,700,000
1822A	SPECIAL CATEGORIES		
	CONTROL OF INVASIVE EXOTICS		
	FROM STATE PARK TRUST FUND		300,000
1823	SPECIAL CATEGORIES		
	PURCHASES FOR RESALE		
	FROM STATE PARK TRUST FUND		1,096,420
1824	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE PARK TRUST FUND		1,148,525
1825	SPECIAL CATEGORIES		
	INTERIM LAND MANAGEMENT OF CONSERVATION		

SECTION 5
SPECIFIC
APPROPRIATION

	AND RECREATION LANDS PROGRAM		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		850,000
1826	SPECIAL CATEGORIES		
	LAND USE PROCEEDS DISBURSEMENTS		
	FROM STATE PARK TRUST FUND		150,000
1826A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM STATE PARK TRUST FUND		1,510,004
1828	FIXED CAPITAL OUTLAY		
	HISTORIC STRUCTURE RENOVATIONS		
	FROM LAND ACQUISITION TRUST FUND		1,000,000
1829	FIXED CAPITAL OUTLAY		
	STATEWIDE CAMPGROUND REPAIRS/RENOVATIONS		
	FROM LAND ACQUISITION TRUST FUND		500,000
1830	FIXED CAPITAL OUTLAY		
	ANASTASIA STATE RECREATION AREA - PARK DEVELOPMENT		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		375,000
1831	FIXED CAPITAL OUTLAY		
	RESOURCE RESTORATION		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		1,000,000
1833	FIXED CAPITAL OUTLAY		
	ST. ANDREWS STATE RECREATIONAL AREA DEVELOPMENT		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		945,000
1834	FIXED CAPITAL OUTLAY		
	PARK DEVELOPMENT		
	FROM LAND ACQUISITION TRUST FUND		4,000,000
1835	FIXED CAPITAL OUTLAY		
	GAMBLE PLANTATION - RENOVATION - DMS MGD		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		100,000
1836	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION		
	FROM FLORIDA FOREVER TRUST FUND		4,500,000
1837	FIXED CAPITAL OUTLAY		
	DEVELOPMENT OF STATE PARKS - STATEWIDE - BASIC AMENITIES		
	FROM LAND ACQUISITION TRUST FUND		400,000
1838	FIXED CAPITAL OUTLAY		
	ALAFIA RIVER LONESOME MINE - RECREATIONAL DEVELOPMENT		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		518,000
1839	FIXED CAPITAL OUTLAY		
	PREVENTATIVE MAINTENANCE AND REPAIRS - STATE PARKS		
	FROM LAND ACQUISITION TRUST FUND		500,000
1840	FIXED CAPITAL OUTLAY		
	LAKE LOUISA STATE PARK DEVELOPMENT		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		610,000

SECTION 5	
SPECIFIC APPROPRIATION	
1841	FIXED CAPITAL OUTLAY RENOVATE STATE PARK CABINS - STATEWIDE FROM LAND ACQUISITION TRUST FUND
	100,000
1842	FIXED CAPITAL OUTLAY ANCLOTE KEY STATE PARK DEVELOPMENT FROM LAND ACQUISITION TRUST FUND
	370,500
1843	FIXED CAPITAL OUTLAY SILVER RIVER PARK DEVELOPMENT FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	939,600
1844	FIXED CAPITAL OUTLAY PARTNERSHIP IN PARKS/STATE MATCH FROM LAND ACQUISITION TRUST FUND
	400,000
1845	FIXED CAPITAL OUTLAY REMOVE ACCESSIBILITY BARRIERS - STATEWIDE FROM LAND ACQUISITION TRUST FUND
	1,000,000
1846	FIXED CAPITAL OUTLAY GRANTS AND DONATIONS SPENDING AUTHORITY FROM GRANTS AND DONATIONS TRUST FUND . . .
	4,000,000
1847	FIXED CAPITAL OUTLAY FACILITY REPAIR NEEDS - STATEWIDE FROM LAND ACQUISITION TRUST FUND
	4,000,000
1848	FIXED CAPITAL OUTLAY RENOVATIONS/REPLACEMENT - SEWAGE SYSTEM - STATEWIDE FROM LAND ACQUISITION TRUST FUND
	1,717,000
1849	FIXED CAPITAL OUTLAY DEBT SERVICE FROM LAND ACQUISITION TRUST FUND
	28,257,467
TOTAL:	STATE PARK OPERATIONS FROM TRUST FUNDS
	119,941,364
	TOTAL POSITIONS 1,051
	TOTAL ALL FUNDS 119,941,364

COASTAL AND AQUATIC MANAGED AREAS

From the funds in Specific Appropriations 1793 through 1861, the Recreation and Parks Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards
Attendance at state parks.....	17,000,000

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1850	SALARIES AND BENEFITS POSITIONS	100
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	1,077,387
	FROM GRANTS AND DONATIONS TRUST FUND . . .	827,045
	FROM LAND ACQUISITION TRUST FUND	2,137,395
1851	OTHER PERSONAL SERVICES FROM CONSERVATION AND RECREATION LANDS TRUST FUND	936,106
	FROM LAND ACQUISITION TRUST FUND	250,000

SECTION 5	
SPECIFIC APPROPRIATION	
1852	EXPENSES FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	793,254
	FROM LAND ACQUISITION TRUST FUND
	397,168
1853	OPERATING CAPITAL OUTLAY FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	183,538
	FROM LAND ACQUISITION TRUST FUND
	9,000
1854	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	43,393
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	45,716
1855	SPECIAL CATEGORIES SUBMERGED RESOURCE DAMAGED RESTORATIONS FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND
	57,834
1856	SPECIAL CATEGORIES LITTLE PINE ISLAND MITIGATION BANK FROM LAND ACQUISITION TRUST FUND
	200,000
1856A	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
1856B	SPECIAL CATEGORIES MARINE RESEARCH GRANTS FROM GRANTS AND DONATIONS TRUST FUND . . .
	2,229,507
1857	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	2,114
	FROM GRANTS AND DONATIONS TRUST FUND . . .
	1,796
	FROM LAND ACQUISITION TRUST FUND
	6,656
1858	SPECIAL CATEGORIES INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM FROM CONSERVATION AND RECREATION LANDS TRUST FUND
	1,313,479
1858A	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM GRANTS AND DONATIONS TRUST FUND . . .
	982
	FROM LAND ACQUISITION TRUST FUND
	250,320
1859	FIXED CAPITAL OUTLAY LAND ACQUISITION FROM GRANTS AND DONATIONS TRUST FUND . . .
	1,500,000
1860	FIXED CAPITAL OUTLAY MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE FROM LAND ACQUISITION TRUST FUND
	742,857
1861	FIXED CAPITAL OUTLAY GRANTS AND DONATIONS SPENDING AUTHORITY FROM GRANTS AND DONATIONS TRUST FUND . . .
	1,056,000
TOTAL:	COASTAL AND AQUATIC MANAGED AREAS FROM TRUST FUNDS
	14,122,026
	TOTAL POSITIONS 100
	TOTAL ALL FUNDS 14,122,026

SECTION 5			
SPECIFIC			
APPROPRIATION			
PROGRAM: AIR RESOURCES MANAGEMENT			
AIR ASSESSMENT			
1862	SALARIES AND BENEFITS	POSITIONS	35
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		1,801,796
1863	OTHER PERSONAL SERVICES		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		2,035,998
1864	EXPENSES		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		1,023,673
1865	OPERATING CAPITAL OUTLAY		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		334,991
1866	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		50,000
1867	SPECIAL CATEGORIES		
	DISTRIBUTION TO COUNTIES - MOTOR VEHICLE		
	REGISTRATION PROCEEDS		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		2,997,968
1868	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		4,479
1868A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		268,210
TOTAL:	AIR ASSESSMENT		
	FROM TRUST FUNDS		8,517,115
	TOTAL POSITIONS	35	
	TOTAL ALL FUNDS		8,517,115
AIR POLLUTION PREVENTION			
1870	SALARIES AND BENEFITS	POSITIONS	58
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		2,923,376
1871	OTHER PERSONAL SERVICES		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		3,622,810
1872	EXPENSES		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		690,556
1873	OPERATING CAPITAL OUTLAY		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		98,583
1874	SPECIAL CATEGORIES		
	DISTRIBUTION TO COUNTIES - MOTOR VEHICLE		
	REGISTRATION PROCEEDS		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		2,997,968
1875	SPECIAL CATEGORIES		
	ASBESTOS REMOVAL PROGRAM FEES		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		150,000
1876	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		7,422
1876A	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT		
	INFORMATION CENTER		
	FROM AIR POLLUTION CONTROL TRUST FUND . . .		963,042

SECTION 5	
SPECIFIC	
APPROPRIATION	
TOTAL: AIR POLLUTION PREVENTION	
FROM TRUST FUNDS	11,453,757
TOTAL POSITIONS	58
TOTAL ALL FUNDS	11,453,757

UTILITIES SITING AND COORDINATION

From the funds in Specific Appropriations 1862 through 1879, the Air Resources Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

Percent of time that monitored population breathes	
good or moderate quality air	98.6%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1878	SALARIES AND BENEFITS	POSITIONS	6
	FROM PERMIT FEE TRUST FUND		334,158
1879	EXPENSES		
	FROM PERMIT FEE TRUST FUND		45,803
TOTAL:	UTILITIES SITING AND COORDINATION		
	FROM TRUST FUNDS		379,961
	TOTAL POSITIONS	6	
	TOTAL ALL FUNDS		379,961

PROGRAM: LAW ENFORCEMENT

ENVIRONMENTAL INVESTIGATION

1880	SALARIES AND BENEFITS	POSITIONS	66
	FROM GENERAL REVENUE FUND		3,021,412
	FROM COASTAL PROTECTION TRUST FUND		633,536
1881	OTHER PERSONAL SERVICES		
	FROM COASTAL PROTECTION TRUST FUND		210,000
1882	EXPENSES		
	FROM GENERAL REVENUE FUND	872,184	
	FROM COASTAL PROTECTION TRUST FUND		358,229
1883	OPERATING CAPITAL OUTLAY		
	FROM COASTAL PROTECTION TRUST FUND		279,571
1884	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL		
	VEHICLES		
	FROM COASTAL PROTECTION TRUST FUND		201,350
1884A	SPECIAL CATEGORIES		
	TRANSFER TO THE FISH AND WILDLIFE		
	CONSERVATION COMMISSION - HARBOR BRANCH		
	OCEANOGRAPHIC INSTITUTION		
	FROM COASTAL PROTECTION TRUST FUND		1,000,000
1884B	SPECIAL CATEGORIES		
	TRANSFER TO FISH AND WILDLIFE CONSERVATION		
	COMMISSION/DERELICT VESSEL REMOVAL -		
	PANAMA CITY		
	FROM COASTAL PROTECTION TRUST FUND		600,000

SECTION 5		SPECIFIC		APPROPRIATION	
1884C	SPECIAL CATEGORIES				
	TRANSFER TO FISH AND WILDLIFE CONSERVATION				
	COMMISSION FOR DISTRICT OFFICE IN				
	PENSACOLA				
	FROM COASTAL PROTECTION TRUST FUND	685,695			
1885	SPECIAL CATEGORIES				
	OPERATION AND MAINTENANCE OF PATROL				
	VEHICLES				
	FROM GENERAL REVENUE FUND	247,846			
	FROM COASTAL PROTECTION TRUST FUND		17,558		
1886	SPECIAL CATEGORIES				
	OVERTIME - FLORIDA MARINE PATROL				
	FROM GENERAL REVENUE FUND	50,400			
1887	SPECIAL CATEGORIES				
	OVERTIME				
	FROM COASTAL PROTECTION TRUST FUND		50,400		
1888	SPECIAL CATEGORIES				
	RISK MANAGEMENT INSURANCE				
	FROM COASTAL PROTECTION TRUST FUND		124,599		
1889	SPECIAL CATEGORIES				
	SALARY INCENTIVE PAYMENTS				
	FROM GENERAL REVENUE FUND	31,490			
	FROM COASTAL PROTECTION TRUST FUND		21,465		
1889A	SPECIAL CATEGORIES				
	TRANSFER TO FISH AND WILDLIFE CONSERVATION				
	COMMISSION FOR ADDITIONAL LAW ENFORCEMENT				
	ENHANCED MANATEE PROTECTION				
	FROM COASTAL PROTECTION TRUST FUND	1,899,950			
1890	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND				
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY				
	CLEAN MARINA				
	FROM GRANTS AND DONATIONS TRUST FUND . . .		714,667		
1891	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND				
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY				
	CLEAN VESSEL				
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,100,000		
TOTAL:	ENVIRONMENTAL INVESTIGATION				
	FROM GENERAL REVENUE FUND	4,223,332			
	FROM TRUST FUNDS		8,897,020		
	TOTAL POSITIONS	66			
	TOTAL ALL FUNDS		13,120,352		
PATROL ON STATE LANDS					
1892	SALARIES AND BENEFITS	POSITIONS	89		
	FROM GENERAL REVENUE FUND		624,549		
	FROM LAND ACQUISITION TRUST FUND			3,795,394	
1893	EXPENSES				
	FROM GENERAL REVENUE FUND	54,140			
	FROM LAND ACQUISITION TRUST FUND		143,487		
1894	OPERATING CAPITAL OUTLAY				
	FROM COASTAL PROTECTION TRUST FUND		33,133		
1895	SPECIAL CATEGORIES				
	ACQUISITION AND REPLACEMENT OF PATROL				
	VEHICLES				
	FROM COASTAL PROTECTION TRUST FUND		347,901		
1896	SPECIAL CATEGORIES				
	OPERATION AND MAINTENANCE OF PATROL				

SECTION 5		SPECIFIC		APPROPRIATION	
	VEHICLES				
	FROM GENERAL REVENUE FUND	37,258			
	FROM LAND ACQUISITION TRUST FUND			158,680	
1897	SPECIAL CATEGORIES				
	OVERTIME - FLORIDA MARINE PATROL				
	FROM GENERAL REVENUE FUND	54,600			
1898	SPECIAL CATEGORIES				
	OVERTIME				
	FROM COASTAL PROTECTION TRUST FUND			54,600	
1899	SPECIAL CATEGORIES				
	RISK MANAGEMENT INSURANCE				
	FROM LAND ACQUISITION TRUST FUND			152,282	
1900	SPECIAL CATEGORIES				
	SALARY INCENTIVE PAYMENTS				
	FROM GENERAL REVENUE FUND	4,000			
	FROM LAND ACQUISITION TRUST FUND			84,612	
1900A	DATA PROCESSING SERVICES				
	ENVIRONMENTAL PROTECTION MANAGEMENT				
	INFORMATION CENTER				
	FROM GENERAL REVENUE FUND	26,122			
	FROM COASTAL PROTECTION TRUST FUND			151,599	
TOTAL:	PATROL ON STATE LANDS				
	FROM GENERAL REVENUE FUND	800,669			
	FROM TRUST FUNDS			4,921,688	
	TOTAL POSITIONS	89			
	TOTAL ALL FUNDS			5,722,357	

EMERGENCY RESPONSE

From the funds in Specific Appropriations 1880 through 1911A, the Law Enforcement Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards
.....
Criminal incidents per 100,000 state park visitors.....	30

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

1901	SALARIES AND BENEFITS	POSITIONS	28		
	FROM COASTAL PROTECTION TRUST FUND			737,964	
	FROM INLAND PROTECTION TRUST FUND			415,145	
	FROM WATER QUALITY ASSURANCE TRUST FUND .			326,488	
1902	OTHER PERSONAL SERVICES				
	FROM COASTAL PROTECTION TRUST FUND			232,000	
1903	EXPENSES				
	FROM COASTAL PROTECTION TRUST FUND			149,251	
	FROM INLAND PROTECTION TRUST FUND			57,179	
	FROM WATER QUALITY ASSURANCE TRUST FUND .			44,796	
1904	OPERATING CAPITAL OUTLAY				
	FROM COASTAL PROTECTION TRUST FUND			10,424	
1905	SPECIAL CATEGORIES				
	ACQUISITION AND REPLACEMENT OF PATROL				
	VEHICLES				
	FROM COASTAL PROTECTION TRUST FUND			88,594	

SECTION 5			
SPECIFIC APPROPRIATION			
1906	SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND		1,071,027
1907	SPECIAL CATEGORIES ON-CALL FEES FROM COASTAL PROTECTION TRUST FUND		140,000
1908	SPECIAL CATEGORIES PAYMENTS FOR RESTORATION AND DAMAGE FROM COASTAL PROTECTION TRUST FUND		50,000
1909	SPECIAL CATEGORIES ABANDONED DRUM REMOVAL AND DISPOSAL FROM COASTAL PROTECTION TRUST FUND		150,000
1910	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM COASTAL PROTECTION TRUST FUND		105,440
1911	SPECIAL CATEGORIES UNDERGROUND STORAGE TANK CLEANUP FROM INLAND PROTECTION TRUST FUND		299,952
1911A	SPECIAL CATEGORIES TRANSFER TO MARINE RESOURCES CONSERVATION TRUST FUND IN THE FISH AND WILDLIFE CONSERVATION COMMISSION FROM COASTAL PROTECTION TRUST FUND		4,628,553
1911B	DATA PROCESSING SERVICES ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER FROM COASTAL PROTECTION TRUST FUND		2,117
TOTAL:	EMERGENCY RESPONSE FROM TRUST FUNDS		8,508,930
	TOTAL POSITIONS	28	
	TOTAL ALL FUNDS		8,508,930
FISH AND WILDLIFE CONSERVATION COMMISSION			
PROGRAM: OFFICE OF THE EXECUTIVE DIRECTOR AND ADMINISTRATIVE SERVICES			
STANDARDS AND LICENSURE			
1912	SALARIES AND BENEFITS POSITIONS FROM STATE GAME TRUST FUND	10	377,345
1913	OTHER PERSONAL SERVICES FROM STATE GAME TRUST FUND		85,000
1914	EXPENSES FROM STATE GAME TRUST FUND		290,234
1915	OPERATING CAPITAL OUTLAY FROM STATE GAME TRUST FUND		14,000
TOTAL:	STANDARDS AND LICENSURE FROM TRUST FUNDS		766,579
	TOTAL POSITIONS	10	
	TOTAL ALL FUNDS		766,579
OUTDOOR EDUCATION AND INFORMATION			
1917	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM NON-GAME WILDLIFE TRUST FUND FROM SAVE THE MANATEE TRUST FUND FROM STATE GAME TRUST FUND	59 151,074	366,754 70,531 1,808,546

SECTION 5			
SPECIFIC APPROPRIATION			
1918	OTHER PERSONAL SERVICES FROM NON-GAME WILDLIFE TRUST FUND FROM STATE GAME TRUST FUND		61,636 157,224
1919	EXPENSES FROM GENERAL REVENUE FUND FROM NON-GAME WILDLIFE TRUST FUND FROM SAVE THE MANATEE TRUST FUND FROM STATE GAME TRUST FUND	187,796	232,549 25,600 953,361
1920	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM NON-GAME WILDLIFE TRUST FUND FROM SAVE THE MANATEE TRUST FUND FROM STATE GAME TRUST FUND	4,000	22,507 2,452 54,083
1921	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM NON-GAME WILDLIFE TRUST FUND		16,500
1922	SPECIAL CATEGORIES ENVIRONMENTAL EDUCATION GRANTS AND ACTIVITIES FROM SAVE THE MANATEE TRUST FUND		437,000
1923	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM NON-GAME WILDLIFE TRUST FUND FROM SAVE THE MANATEE TRUST FUND FROM STATE GAME TRUST FUND	1,217	5,836 730 16,190
1923A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY EMERSON POINT CLASSROOM MANATEE COUNTY FROM GENERAL REVENUE FUND	600,000	
TOTAL:	OUTDOOR EDUCATION AND INFORMATION FROM GENERAL REVENUE FUND FROM TRUST FUNDS	944,087	4,231,499
	TOTAL POSITIONS	59	
	TOTAL ALL FUNDS		5,175,586
MARINE AND WILDLIFE HABITAT CONSERVATION			
1924	SALARIES AND BENEFITS POSITIONS FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND FROM LAND ACQUISITION TRUST FUND FROM MARINE RESOURCES CONSERVATION TRUST FUND FROM NON-GAME WILDLIFE TRUST FUND FROM SAVE THE MANATEE TRUST FUND FROM STATE GAME TRUST FUND FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	47	226,967 92,199 142,511 909,564 743,769 9,987 99,717
1925	OTHER PERSONAL SERVICES FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND FROM LAND ACQUISITION TRUST FUND FROM MARINE RESOURCES CONSERVATION TRUST FUND FROM NON-GAME WILDLIFE TRUST FUND FROM SAVE THE MANATEE TRUST FUND		1,500 83,000 110,000 11,800 178,000
1926	EXPENSES FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND FROM LAND ACQUISITION TRUST FUND FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,339 83,486 40,632

SECTION 5	
SPECIFIC	
APPROPRIATION	
FROM NON-GAME WILDLIFE TRUST FUND	338,826
FROM SAVE THE MANATEE TRUST FUND	332,474
FROM STATE GAME TRUST FUND	52,571
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	9,891
1927 AID TO LOCAL GOVERNMENTS MANATEE PROTECTION PLANNING GRANTS FROM SAVE THE MANATEE TRUST FUND	241,371
1928 OPERATING CAPITAL OUTLAY FROM LAND ACQUISITION TRUST FUND	202,900
FROM MARINE RESOURCES CONSERVATION TRUST FUND	10,000
FROM SAVE THE MANATEE TRUST FUND	13,800
1929 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM NON-GAME WILDLIFE TRUST FUND	22,659
1930 SPECIAL CATEGORIES ENHANCED WILDLIFE MANAGEMENT FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	28,468
1930A SPECIAL CATEGORIES MARINE RESEARCH GRANTS FROM MARINE RESOURCES CONSERVATION TRUST FUND	27,500
1931 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM LAND ACQUISITION TRUST FUND	829
FROM MARINE RESOURCES CONSERVATION TRUST FUND	730
FROM NON-GAME WILDLIFE TRUST FUND	6,688
FROM SAVE THE MANATEE TRUST FUND	4,580
FROM STATE GAME TRUST FUND	6,269
1932 SPECIAL CATEGORIES MARINE TURTLE GRANTS PROGRAM FROM MARINE RESOURCES CONSERVATION TRUST FUND	300,000
1933 FIXED CAPITAL OUTLAY LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE FROM FLORIDA FOREVER PROGRAM TRUST FUND	4,500,000
1934 FIXED CAPITAL OUTLAY MITIGATION PARK LAND ACQUISITION FROM LAND ACQUISITION TRUST FUND	1,750,000
TOTAL: MARINE AND WILDLIFE HABITAT CONSERVATION FROM TRUST FUNDS	10,584,027
TOTAL POSITIONS	47
TOTAL ALL FUNDS	10,584,027

EXECUTIVE DIRECTION AND SUPPORT SERVICES

1935 SALARIES AND BENEFITS POSITIONS	136
FROM GENERAL REVENUE FUND	1,781,806
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	18,850
FROM MARINE RESOURCES CONSERVATION TRUST FUND	477,774
FROM NON-GAME WILDLIFE TRUST FUND	140,328
FROM STATE GAME TRUST FUND	3,659,944
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	173,907

SECTION 5	
SPECIFIC	
APPROPRIATION	
1936 OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	20,000
FROM STATE GAME TRUST FUND	201,195
1937 EXPENSES FROM GENERAL REVENUE FUND	141,150
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	685
FROM MARINE RESOURCES CONSERVATION TRUST FUND	183,072
FROM NON-GAME WILDLIFE TRUST FUND	16,803
FROM STATE GAME TRUST FUND	1,435,727
1938 OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	20,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND	8,400
FROM STATE GAME TRUST FUND	4,600
1939 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM STATE GAME TRUST FUND	178,580
1940 SPECIAL CATEGORIES ENHANCED WILDLIFE MANAGEMENT FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	40,424
1941 SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND	1,807
1941A SPECIAL CATEGORIES PAYMENT OF REWARDS FROM NON-GAME WILDLIFE TRUST FUND	5,000
1942 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	5,601
FROM MARINE RESOURCES CONSERVATION TRUST FUND	1,948
FROM NON-GAME WILDLIFE TRUST FUND	487
FROM STATE GAME TRUST FUND	29,610
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	974
1942A 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
1943 SPECIAL CATEGORIES INFORMATION TECHNOLOGY SERVICES - FISH AND WILDLIFE CONSERVATION COMMISSION FROM GENERAL REVENUE FUND	295,791
FROM MARINE RESOURCES CONSERVATION TRUST FUND	1,393,335
FROM STATE GAME TRUST FUND	1,303,874
1944 DATA PROCESSING SERVICES STATE TECHNOLOGY OFFICE FROM STATE GAME TRUST FUND	45,898
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND	2,266,155
FROM TRUST FUNDS	9,858,096
TOTAL POSITIONS	136
TOTAL ALL FUNDS	12,124,251

SECTION 5
SPECIFIC
APPROPRIATION
PROGRAM: LAW ENFORCEMENT

From the funds in Specific Appropriations 1945 through 1960B, the Law Enforcement Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards
-----	-----
Number of recreational boating injuries.....	450

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

WILDLIFE, MARINE AND BOATING LAWS ENFORCEMENT

1945	SALARIES AND BENEFITS	POSITIONS	855
	FROM GENERAL REVENUE FUND		33,931,427
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,085,993
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		7,419,213
	FROM NON-GAME WILDLIFE TRUST FUND		76,508
	FROM STATE GAME TRUST FUND		771,305
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,101,137
1946	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		104,210
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		103,500
	FROM STATE GAME TRUST FUND		164,500
1947	EXPENSES		
	FROM GENERAL REVENUE FUND		2,032,793
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		59,200
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		754,361
	FROM STATE GAME TRUST FUND		96,978
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		10,000
1948	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		866,311
1949	OPERATING CAPITAL OUTLAY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		183,386
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		100,000
1950	LUMP SUM		
	MARINE PATROL - TALLAHASSEE OFFICE	POSITIONS	1
1950A	LUMP SUM		
	ADDITIONAL LAW ENFORCEMENT OFFICERS FOR ENHANCED MANATEE PROTECTION	POSITIONS	25
	FROM GENERAL REVENUE FUND		2,000,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,889,950
1951	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		

SECTION 5
SPECIFIC
APPROPRIATION

	FROM GENERAL REVENUE FUND	554,926
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	45,510
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	1,570,915
	FROM STATE GAME TRUST FUND	572,621
1952	SPECIAL CATEGORIES	
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	141,500
	FROM STATE GAME TRUST FUND	141,500
1953	SPECIAL CATEGORIES	
	ENHANCED WILDLIFE MANAGEMENT	
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	271,880
1954	SPECIAL CATEGORIES	
	OPERATION AND MAINTENANCE OF PATROL VEHICLES	
	FROM GENERAL REVENUE FUND	1,552,868
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	158,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	2,455,203
	FROM STATE GAME TRUST FUND	629,783
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	150,000
1955	SPECIAL CATEGORIES	
	OVERTIME - FLORIDA MARINE PATROL	
	FROM GENERAL REVENUE FUND	315,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	315,000
1956	SPECIAL CATEGORIES	
	OVERTIME	
	FROM GENERAL REVENUE FUND	700,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	1,300,000
1957	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	255,713
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	5,686
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	243,014
	FROM NON-GAME WILDLIFE TRUST FUND	1,090
	FROM STATE GAME TRUST FUND	9,426
1958	SPECIAL CATEGORIES	
	SALARY INCENTIVE PAYMENTS	
	FROM GENERAL REVENUE FUND	380,323
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND	7,800
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	118,505
	FROM STATE GAME TRUST FUND	54,420
1959	SPECIAL CATEGORIES	
	DERELICT VESSEL REMOVAL PROGRAM	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	250,000
1960	SPECIAL CATEGORIES	
	BOATING SAFETY EDUCATION PROGRAM	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND	550,000

SECTION 5			
SPECIFIC			
APPROPRIATION			
1960A	FIXED CAPITAL OUTLAY		
	CONSTRUCTION - DISTRICT OFFICE - PENSACOLA		
	- DMS MGD		
	FROM MARINE RESOURCES CONSERVATION TRUST		
	FUND	685,695	
1960B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND		
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	DERELICT VESSEL REMOVAL - PANAMA CITY		
	FROM MARINE RESOURCES CONSERVATION TRUST		
	FUND	600,000	
TOTAL: WILDLIFE, MARINE AND BOATING LAWS ENFORCEMENT			
	FROM GENERAL REVENUE FUND	41,827,260	
	FROM TRUST FUNDS	24,959,890	
	TOTAL POSITIONS	881	
	TOTAL ALL FUNDS	66,787,150	

PROGRAM: WILDLIFE

From the funds in Specific Appropriations 1961 through 1976A, the Wildlife Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
The percent of wildlife species whose biological status is stable or improving.....	71.5%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

WILDLIFE MANAGEMENT

1961	SALARIES AND BENEFITS	POSITIONS	252
	FROM GENERAL REVENUE FUND		144,575
	FROM FLORIDA PANTHER RESEARCH AND		
	MANAGEMENT TRUST FUND		887,822
	FROM NON-GAME WILDLIFE TRUST FUND		1,618,807
	FROM STATE GAME TRUST FUND		4,360,746
	FROM CONSERVATION AND RECREATION LANDS		
	PROGRAM TRUST FUND		3,718,043
1962	OTHER PERSONAL SERVICES		
	FROM FLORIDA PANTHER RESEARCH AND		
	MANAGEMENT TRUST FUND		198,961
	FROM NON-GAME WILDLIFE TRUST FUND		927,449
	FROM STATE GAME TRUST FUND		355,965
	FROM CONSERVATION AND RECREATION LANDS		
	PROGRAM TRUST FUND		207,808
1963	EXPENSES		
	FROM FLORIDA PANTHER RESEARCH AND		
	MANAGEMENT TRUST FUND		285,409
	FROM NON-GAME WILDLIFE TRUST FUND		786,986
	FROM STATE GAME TRUST FUND		1,235,033
	FROM CONSERVATION AND RECREATION LANDS		
	PROGRAM TRUST FUND		1,154,518
1964	OPERATING CAPITAL OUTLAY		
	FROM FLORIDA PANTHER RESEARCH AND		
	MANAGEMENT TRUST FUND		2,500
	FROM NON-GAME WILDLIFE TRUST FUND		39,620
	FROM STATE GAME TRUST FUND		56,635
	FROM CONSERVATION AND RECREATION LANDS		
	PROGRAM TRUST FUND		25,000

SECTION 5			
SPECIFIC			
APPROPRIATION			
1965	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FLORIDA PANTHER RESEARCH AND		
	MANAGEMENT TRUST FUND		46,200
	FROM NON-GAME WILDLIFE TRUST FUND		68,646
	FROM STATE GAME TRUST FUND		699,646
1967	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM CONSERVATION AND RECREATION LANDS		
	PROGRAM TRUST FUND		3,271,880
1967A	SPECIAL CATEGORIES		
	NON-CARL WILDLIFE MANAGEMENT		
	FROM STATE GAME TRUST FUND		3,678,608
1968	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FEDERAL ENDANGERED		
	SPECIES - SECTION 6		
	FROM NON-GAME WILDLIFE TRUST FUND		136,363
1968A	SPECIAL CATEGORIES		
	SAWGRASS ENVIRONMENTAL EDUCATION		
	FROM NON-GAME WILDLIFE TRUST FUND		75,000
1969	SPECIAL CATEGORIES		
	LAND MANAGEMENT/SAVE OUR RIVERS		
	FROM STATE GAME TRUST FUND		160,137
1970	SPECIAL CATEGORIES		
	MANAGEMENT AREA LEASE PAYMENTS		
	FROM STATE GAME TRUST FUND		585,404
1970A	SPECIAL CATEGORIES		
	DUCKS UNLIMITED MARSH PROJECT		
	FROM STATE GAME TRUST FUND		106,272
1970B	SPECIAL CATEGORIES		
	TRANSFER DEPARTMENT OF AGRICULTURE -		
	ALLIGATOR MARKETING AND EDUCATION		
	FROM STATE GAME TRUST FUND		100,000
1970C	SPECIAL CATEGORIES		
	PUBLIC DOVE FIELD DEVELOPMENT		
	FROM STATE GAME TRUST FUND		49,000
1971	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FLORIDA PANTHER RESEARCH AND		
	MANAGEMENT TRUST FUND		3,360
	FROM NON-GAME WILDLIFE TRUST FUND		15,179
	FROM STATE GAME TRUST FUND		60,004
	FROM CONSERVATION AND RECREATION LANDS		
	PROGRAM TRUST FUND		36,882
1972	SPECIAL CATEGORIES		
	INTERIM LAND MANAGEMENT OF CONSERVATION		
	AND RECREATION LANDS PROGRAM		
	FROM CONSERVATION AND RECREATION LANDS		
	PROGRAM TRUST FUND		550,000
1973	SPECIAL CATEGORIES		
	WILDLIFE MANAGEMENT AREA USER PAY		
	FROM STATE GAME TRUST FUND		199,653
1974	SPECIAL CATEGORIES		
	WILD TURKEY PROJECTS		
	FROM STATE GAME TRUST FUND		100,000
1974A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF		
	MANAGEMENT SERVICES		
	FROM STATE GAME TRUST FUND		11,291

SECTION 5
SPECIFIC
APPROPRIATION

1976	FIXED CAPITAL OUTLAY EQUIPMENT STORAGE FACILITY - CHASSAHOWITZKA WILDLIFE MANAGEMENT AREA - DMS MGD FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		295,423
1976A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY WILDLIFE HOSPITAL- WILDLIFE SANCTUARY OF NORTHWEST FLORIDA FROM NON-GAME WILDLIFE TRUST FUND		53,000
TOTAL: WILDLIFE MANAGEMENT			
	FROM GENERAL REVENUE FUND	144,575	
	FROM TRUST FUNDS		26,163,250
	TOTAL POSITIONS	252	
	TOTAL ALL FUNDS		26,307,825

PROGRAM: FRESHWATER FISHERIES

From the funds in Specific Appropriations 1977 through 1988D, the Freshwater Fisheries Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Number of water body acres managed to improve fishing...	1,595,940

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

FRESHWATER FISHERIES MANAGEMENT

1977	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND FROM MARINE RESOURCES CONSERVATION TRUST FUND FROM STATE GAME TRUST FUND FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND	POSITIONS 166 72,147	
			132,507
			7,115,768
			102,791
1978	OTHER PERSONAL SERVICES FROM STATE GAME TRUST FUND		180,000
1979	EXPENSES FROM STATE GAME TRUST FUND FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,601,691 20,000
1980	OPERATING CAPITAL OUTLAY FROM STATE GAME TRUST FUND FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		169,500 25,000
1981	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM STATE GAME TRUST FUND		368,110
1982	SPECIAL CATEGORIES ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS FROM STATE GAME TRUST FUND		167,704
1983	SPECIAL CATEGORIES ENHANCED WILDLIFE MANAGEMENT FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		68,635

SECTION 5
SPECIFIC
APPROPRIATION

1984	SPECIAL CATEGORIES BOATING RELATED ACTIVITIES FROM STATE GAME TRUST FUND		1,250,000
1985	SPECIAL CATEGORIES LAKE RESTORATION FROM STATE GAME TRUST FUND		7,333,454
1986	SPECIAL CATEGORIES BOAT RAMP MAINTENANCE CATEGORY FROM MARINE RESOURCES CONSERVATION TRUST FUND FROM STATE GAME TRUST FUND		331,878 175,000
1987	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM STATE GAME TRUST FUND FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		77,575 288
1988	SPECIAL CATEGORIES FRESHWATER FISHING PIERS FROM STATE GAME TRUST FUND		68,000
1988A	FIXED CAPITAL OUTLAY FISH HATCHERY AT RODMAN DAM FROM GENERAL REVENUE FUND		800,000
1988B	FIXED CAPITAL OUTLAY RODMAN - BOAT RAMP AND PARKING FROM GENERAL REVENUE FUND		500,000
1988C	FIXED CAPITAL OUTLAY LAKE JESUP 5TH YEAR FUNDING FROM GENERAL REVENUE FUND		2,910,000
1988D	FIXED CAPITAL OUTLAY IMPROVEMENTS, AQUACULTURE/RICHLOAM FISH HATCHERY FROM STATE GAME TRUST FUND		185,955
TOTAL: FRESHWATER FISHERIES MANAGEMENT			
	FROM GENERAL REVENUE FUND	4,282,147	
	FROM TRUST FUNDS		19,373,856
	TOTAL POSITIONS	166	
	TOTAL ALL FUNDS		23,656,003

PROGRAM: MARINE FISHERIES

From the funds in Specific Appropriations 1989 through 1996, the Marine Fisheries Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Artificial reefs monitored and/or created annually....	120
2. Percent of fisheries stocks that are increasing or stable.....	80%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

MARINE FISHERIES MANAGEMENT

1989	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND FROM MARINE RESOURCES CONSERVATION TRUST FUND	POSITIONS 42 109,894	
			1,608,632

SECTION 5	
SPECIFIC	
APPROPRIATION	
1990 OTHER PERSONAL SERVICES	
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	96,562
1991 EXPENSES	
FROM GENERAL REVENUE FUND	7,732
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	934,426
1992 OPERATING CAPITAL OUTLAY	
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	846
1993 SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES	
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	23,100
1993A SPECIAL CATEGORIES	
AQUATIC RESOURCES EDUCATION	
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	400,000
1993B SPECIAL CATEGORIES	
GULF STATES MARINE FISHERIES	
FROM GENERAL REVENUE FUND	22,500
1993C SPECIAL CATEGORIES	
MARINE RESEARCH GRANTS	
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	324,319
1994 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND	352
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	4,110
1995 FIXED CAPITAL OUTLAY	
REEF FISH HABITAT ENHANCEMENT	
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	550,000
1996 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND	
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY	
ARTIFICIAL FISHING REEF CONSTRUCTION	
PROGRAM	
FROM GRANTS AND DONATIONS TRUST FUND . . .	300,000
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	300,000
TOTAL: MARINE FISHERIES MANAGEMENT	
FROM GENERAL REVENUE FUND	140,478
FROM TRUST FUNDS	4,541,995
TOTAL POSITIONS	42
TOTAL ALL FUNDS	4,682,473

PROGRAM: FLORIDA MARINE RESEARCH INSTITUTE

From the funds in Specific Appropriations 1997 through 2005C, the Florida Marine Research Institute will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

Number of requests for status of endangered and threatened	
species completed.....	28,175

SECTION 5	
SPECIFIC	
APPROPRIATION	
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	
MARINE STATUS AND TRENDS ASSESSMENTS, RESTORATION AND TECHNICAL SUPPORT	
1997 SALARIES AND BENEFITS	POSITIONS 212
FROM GENERAL REVENUE FUND	3,142,389
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	5,898,216
FROM SAVE THE MANATEE TRUST FUND	746,142
1998 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND	25,000
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	7,307,475
FROM SAVE THE MANATEE TRUST FUND	735,000
Funds provided in Specific Appropriation 1998 from the Marine Resources Conservation Trust Fund include the following: \$350,000 for Stock Enhancement-Mote Marine Laboratory, \$125,000 for Shark Sawfish Research-Mote Marine Laboratory, and \$1,000,000 for Red Tide Research-Mote Marine Laboratory.	
From funds provided in Specific Appropriation 1998 from the Save the Manatee Trust Fund, \$325,000 is for Manatee Recovery Research-Mote Marine Laboratory.	
From the Marine Resources Conservation Trust Fund included in Specific Appropriation 1998, \$1,000,000 is provided to the Florida Marine Research Institute for Red Tide Research.	
1999 EXPENSES	
FROM GENERAL REVENUE FUND	523,617
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	2,881,066
FROM SAVE THE MANATEE TRUST FUND	427,167
2000 OPERATING CAPITAL OUTLAY	
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	478,920
FROM SAVE THE MANATEE TRUST FUND	13,000
2001 SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES	
FROM GENERAL REVENUE FUND	17,859
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	152,701
FROM SAVE THE MANATEE TRUST FUND	93,225
2002 SPECIAL CATEGORIES	
ACQUISITION AND REPLACEMENT OF BOATS,	
MOTORS, AND TRAILERS	
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	23,000
FROM SAVE THE MANATEE TRUST FUND	7,000
2002A SPECIAL CATEGORIES	
MANATEE RESEARCH - MANATEE AVOIDANCE	
TECHNOLOGY	
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	200,000
Funds in Specific Appropriation 2002A are for manatee avoidance technology, specifically detection devices designed to alert manatees to approaching watercraft, and devices that alert watercraft to manatees.	
2003 SPECIAL CATEGORIES	
REEF GROUNDING SETTLEMENT	
FROM MARINE RESOURCES CONSERVATION TRUST	
FUND	196,912

SECTION 5	
SPECIFIC	
APPROPRIATION	
2003A	SPECIAL CATEGORIES MARINE RESEARCH GRANTS FROM MARINE RESOURCES CONSERVATION TRUST FUND 10,158,626
2004	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND 7,027 FROM MARINE RESOURCES CONSERVATION TRUST FUND 18,520 FROM SAVE THE MANATEE TRUST FUND 2,364
2005	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,248
2005A	SPECIAL CATEGORIES CHOCTAWHATCHEE BAY STUDY - FISH KILLS FROM MARINE RESOURCES CONSERVATION TRUST FUND 200,000
2005B	FIXED CAPITAL OUTLAY FLORIDA MARINE RESEARCH INSTITUTE FACILITY REPAIRS AND MAINTENANCE FROM MARINE RESOURCES CONSERVATION TRUST FUND 230,400
2005C	FIXED CAPITAL OUTLAY PORT MANATEE FISH HATCHERY - MAINTENANCE FROM MARINE RESOURCES CONSERVATION TRUST FUND 150,000
2005D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY HARBOR BRANCH OCEANOGRAPHIC INSTITUTION FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,000,000
TOTAL:	MARINE STATUS AND TRENDS ASSESSMENTS, RESTORATION AND TECHNICAL SUPPORT FROM GENERAL REVENUE FUND 3,715,892 FROM TRUST FUNDS 30,920,982 TOTAL POSITIONS 212 TOTAL ALL FUNDS 34,636,874

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 2017 through 2023, 2025 through 2036, 2045 through 2054, 2069 through 2073, and 2085 through 2087, are provided from the named funds to the department to fund the 5 year work program developed pursuant to the provisions of sections 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

From funds in Specific Appropriations 2006 through 2037, the Highway and Bridge Construction Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

Percent of state highway system pavement	

SECTION 5	
SPECIFIC	
APPROPRIATION	
	meeting department standards.....80%
	Percent of FDOT-maintained bridges
	meeting department standards.....90%
	Number of projects certified ready for construction.....87
=====	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2006	SALARIES AND BENEFITS	POSITIONS	3,777
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		192,153,686
	Funds in Specific Appropriations 2006 through 2100G reflect efficiency and outsourcing reductions of 794 positions and \$25,495,237 from the State Transportation Trust Fund. In order to minimize layoffs or program disruptions, the Department may submit a plan to reallocate this reduction throughout the Department pursuant to notice and approval procedures provided in s. 216.177, F.S.		
2007	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,112,217
2008	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		16,622,495
2009	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		4,271,657
2010	SPECIAL CATEGORIES		
	CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,869,225
2011	SPECIAL CATEGORIES		
	TRANSFER TO THE STATE TRANSPORTATION TRUST		
	FUND		
	FROM GENERAL REVENUE FUND	86,428,966	
2012	SPECIAL CATEGORIES		
	HUMAN RESOURCES DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,070,838
2013	SPECIAL CATEGORIES		
	OVERTIME		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,210,806
2014	SPECIAL CATEGORIES		
	TRANSPORTATION MATERIALS AND EQUIPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		7,868
2016	FIXED CAPITAL OUTLAY		
	FIELD FACILITIES REPAIRS, RENOVATIONS,		
	ADDITIONS - STATEWIDE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		73,200
2017	FIXED CAPITAL OUTLAY		
	STATE FUNDED INFRASTRUCTURE BANK		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		43,500,000
2018	FIXED CAPITAL OUTLAY		
	COUNTY TRANSPORTATION PROGRAMS		

SECTION 5 SPECIFIC APPROPRIATION		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	128,884,863
2019	FIXED CAPITAL OUTLAY BOND GUARANTEE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	500,000
2020	FIXED CAPITAL OUTLAY TRANSPORTATION PLANNING CONSULTANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	19,206,001
2021	FIXED CAPITAL OUTLAY INTRASTATE HIGHWAY CONSTRUCTION FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM TURNPIKE BOND CONSTRUCTION TRUST FUND FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	7,492,207 17,746,526 1,573,200 1126,649,922
2022	FIXED CAPITAL OUTLAY ARTERIAL HIGHWAY CONSTRUCTION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	458,546,320

Funds provided in Specific Appropriation 2022 for projects in Leon County are contingent upon the county removing road impediments on Lake Bradford Road between the junction of Lake Bradford Road and Orange Avenue and Capitol Circle Southwest.

Funds provided in Specific Appropriation 2022 for projects in Leon County are contingent upon the county reverting the name of the Tallahassee Leon County Civic Center back to the Donald L. Tucker Civic Center.

2023	FIXED CAPITAL OUTLAY CONSTRUCTION INSPECTION CONSULTANTS FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM TURNPIKE BOND CONSTRUCTION TRUST FUND FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	4,172,235 11,275,382 207,000 261,816,024
2024	FIXED CAPITAL OUTLAY RENOVATION - STATE MATERIALS OFFICE, GAINESVILLE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	5,643,234
2025	FIXED CAPITAL OUTLAY RIGHT-OF-WAY LAND ACQUISITION FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND	39,641,848 394,287,650 208,017,982
2026	FIXED CAPITAL OUTLAY HIGHWAY SAFETY CONSTRUCTION/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	46,163,337
2027	FIXED CAPITAL OUTLAY RESURFACING FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	18,784,683 432,672,536

SECTION 5 SPECIFIC APPROPRIATION		
2028	FIXED CAPITAL OUTLAY BRIDGE CONSTRUCTION FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND	1,558,522 191,279,846 48,701,061
2029	FIXED CAPITAL OUTLAY PRELIMINARY ENGINEERING CONSULTANTS FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	5,622,428 47,466,205 320,857,614
2030	FIXED CAPITAL OUTLAY RIGHT-OF-WAY SUPPORT FROM TURNPIKE GENERAL RESERVE TRUST FUND . FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND	2,627,073 86,087,758 35,231,274
2031	FIXED CAPITAL OUTLAY TRANSPORTATION PLANNING GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	15,975,067
2032	FIXED CAPITAL OUTLAY GRANTS AND AIDS - TRANSPORTATION EXPRESSWAY AUTHORITIES FROM TOLL FACILITIES REVOLVING TRUST FUND	17,000,000

From funds in Specific Appropriations 2032, the Department is authorized, pursuant to Section 338.251, Florida Statutes, to advance up to \$1,400,000 to the Santa Rosa Bay Bridge Authority to defray shortages necessary to pay debt service in toll revenues occurring in the Santa Rosa Bay Bridge System, which was created and established pursuant to Section 348.968, Florida Statutes. Such advance shall be made in accordance with the procedures set forth in Rule Chapter 14-88, Florida Administrative Code, and shall be reimbursed within 5 years of the last advance. As a condition of receiving these funds until advances under these provisions are repaid to the Department of Transportation, the Santa Rosa Bay Bridge Authority shall secure the approval of the Secretary of the Department of Transportation for the annual administrative budget and prior to any restructuring of the bonds outstanding for the Garcon Point Bridge.

From funds in Specific Appropriation 2032, up to \$5,000,000 shall be advanced to the Tampa-Hillsborough Expressway Authority for funding the advanced right-of-way acquisition in accordance with the provisions of s. 338.251 for the projects authorized under s. 348.565.

2033	FIXED CAPITAL OUTLAY MATERIALS AND RESEARCH FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	12,402,000
2034	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

Funds in Specific Appropriation 2034 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.

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SPECIFIC																					
APPROPRIATION																					
2035	FIXED CAPITAL OUTLAY																				
	LOCAL GOVERNMENT REIMBURSEMENT																				
	FROM STATE TRANSPORTATION (PRIMARY)																				
	TRUST FUND	17,453,141																			
	FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE																				
	CONSTRUCTION TRUST FUND	9,121,300																			
2036	FIXED CAPITAL OUTLAY																				
	TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT																				
	FROM TURNPIKE RENEWAL AND REPLACEMENT																				
	TRUST FUND	3,700,655																			
	FROM TURNPIKE GENERAL RESERVE TRUST FUND .	540,000																			
2037	FIXED CAPITAL OUTLAY																				
	DEBT SERVICE																				
	FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE																				
	CONSTRUCTION TRUST FUND	69,300,000																			
TOTAL: PROGRAM: HIGHWAY AND BRIDGE CONSTRUCTION																					
	FROM GENERAL REVENUE FUND	86,428,966																			
	FROM TRUST FUNDS	4353,096,886																			
	TOTAL POSITIONS	3,777																			
	TOTAL ALL FUNDS	4439,525,852																			
PROGRAM: PUBLIC TRANSPORTATION																					
From funds in Specific Appropriations 2038 through 2054, Public Transportation will meet the following standards as required by the Government Performance and Accountability Act of 1994:																					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Performance</td> <td style="width:30%; text-align: right;">FY 2001-2002</td> <td style="width:40%;"></td> </tr> <tr> <td>Measures</td> <td style="text-align: right;">Standards</td> <td></td> </tr> <tr> <td colspan="3">-----</td> </tr> <tr> <td>OUTCOMES:</td> <td></td> <td></td> </tr> <tr> <td colspan="3">-----</td> </tr> <tr> <td>Transit Ridership Growth Compared to Population growth</td> <td style="text-align: right;">1.06</td> <td></td> </tr> </table>				Performance	FY 2001-2002		Measures	Standards		-----			OUTCOMES:			-----			Transit Ridership Growth Compared to Population growth	1.06	
Performance	FY 2001-2002																				
Measures	Standards																				

OUTCOMES:																					

Transit Ridership Growth Compared to Population growth	1.06																				
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.																					
2038	SALARIES AND BENEFITS	POSITIONS	144																		
	FROM STATE TRANSPORTATION (PRIMARY)																				
	TRUST FUND	8,133,307																			
	FROM TRANSPORTATION DISADVANTAGED TRUST																				
	FUND	722,306																			
2039	OTHER PERSONAL SERVICES																				
	FROM STATE TRANSPORTATION (PRIMARY)																				
	TRUST FUND	63,718																			
	FROM TRANSPORTATION DISADVANTAGED TRUST																				
	FUND	10,000																			
2040	EXPENSES																				
	FROM STATE TRANSPORTATION (PRIMARY)																				
	TRUST FUND	826,279																			
	FROM TRANSPORTATION DISADVANTAGED TRUST																				
	FUND	141,025																			
2041	OPERATING CAPITAL OUTLAY																				
	FROM STATE TRANSPORTATION (PRIMARY)																				
	TRUST FUND	13,609																			
2042	SPECIAL CATEGORIES																				
	CONSULTANT FEES																				
	FROM STATE TRANSPORTATION (PRIMARY)																				
	TRUST FUND	514,250																			
2043	SPECIAL CATEGORIES																				
	HUMAN RESOURCES DEVELOPMENT																				

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	FROM STATE TRANSPORTATION (PRIMARY)
	TRUST FUND
	16,185
2045	FIXED CAPITAL OUTLAY
	TRANSPORTATION OUTREACH PROGRAM
	FROM STATE TRANSPORTATION (PRIMARY)
	TRUST FUND
	115,859,919

From the funds in Specific Appropriation 2045, the following Transportation Outreach Program Projects are appropriated:

GOAA Intermodal Transit System.....	12,500,000
Relocate Panama City Airport.....	10,000,000
Jaxport Terminal Expansion.....	2,500,000
Canadian Court Intermodal Center.....	3,000,000
Treeline Ave. Extension - Lee Co.....	4,000,000
Metro Parkway Extension (SR 739).....	15,000,000
Relocate US 98 in Gulf & Bay.....	1,450,000
Central Sarasota Pkwy Interchange.....	513,000
Widen John Young Parkway.....	500,000
SR528 / SR 15 Interchange - Orange.....	1,800,000
THCEA ITS Selmon Drive ITS.....	5,000,000
CSX Track between Blount Island and Jax.....	915,000
CSXT's Hialeah Yard Tracks.....	2,680,000
CSX Track at Big Bend.....	1,222,500
CSX Track alignment Bradenton Yard.....	575,000
Seaport Security.....	7,000,000
Metromover Realignment - Miami-Dade.....	480,000
Gulf Coast Parkway Corridor Study.....	2,000,000
Construct Hook St - Lake County.....	1,250,000
Widen West SR 50 - Orange Co.....	2,100,000
City of Deltona Ft. Smith Blvd.....	63,000
City of Deltona Normandy Blvd.....	68,850
City of Deltona Courtland Blvd.....	85,500
CR 769 - Kings Highway - DeSoto.....	50,000
CR 210/US 1 Intersection St. Johns Co.....	500,000
Matanzas Wood Overpass - Flagler Co.....	280,000
Interstate Connector - Alabama to Okaloosa.....	750,000
ITS System - Bay Co.....	500,000
Widening of Substandard Roads - Flagler.....	400,000
Ybor Station Intermodal Facility - Pinellas.....	500,000
Boulevard 2000-SR40 - Ormond Beach.....	400,000
Orlando-Sanford Airport.....	1,000,000
I-65 Hurricane Evacuation Study.....	1,000,000
St. Lucie West/I-95 Interchange Completion.....	50,000
4 Street Improvements in Daytona Beach.....	3,700,000
Ship Assembly and New Cruise Terminal.....	2,000,000
Jet Aircraft Maint. Hanger - Melbourne.....	500,000
Lynx Operating.....	1,000,000
Metropolitan Area Mass Transit - Miami-Dade.....	11,770,000
Trade Corridor Strategy.....	400,000
Roadway Enhancements - Miami Beach.....	100,000
US 19 Control Access.....	1,739,919
Brooksville Downtown Traffic Pattern.....	1,000,000
East Hillsborough Aviation Improvements.....	967,150
Osceola Turnpike Access Study.....	1,000,000
Sligh Ave. Extension/Vandenburg Airport Access.....	500,000
US 17/92 from Shepard Rd. To Lake Mary Blvd.....	950,000
US 319 from Four Points to US 98.....	2,500,000
Relocate U.S. 1 in Palm Beach Co.....	100,000
State Road 70.....	7,500,000

For any Transportation Outreach Program project funded in Specific Appropriation 2045 which was approved by the Transportation Outreach Program (TOP) Council on January 8, 2001 and for which funding has been reduced, and any TOP project not in the January 8, 2001 Council approved list but funded in this specific appropriation at a level below that initially applied for, the Department is authorized to negotiate with the recipient to develop a viable project through reducing project scope, providing additional applicant match or any other option agreed to by the applicant and the Department.

Funds in Specific Appropriation 2045 for Florida Seaport Security Improvements are contingent on each port submitting a plan to provide

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baseline measures and standards data for FY 2001-2002 relating to the effectiveness of security in each port. Plans shall be submitted to the Office of Drug Control in the Executive Office of the Governor and should include, but not be limited to, measures which show the level of criminal activity for each port and measures which will provide an indication of the effectiveness of security improvements over time. The Florida Seaport Transportation and Economic Development Council (FSTED), shall assist the Office of Drug Control in its efforts to coordinate, to the extent possible, consistent measures for all ports.

From the funds in Specific Appropriation 2045 for Florida Seaport Security Improvements, \$409,406 shall be transferred to FDLE's Operating Budget for the purpose of conducting annual inspections of all seaports as required by law. Further, \$1,062,500 shall be transferred to FDLE to purchase livescan equipment for the Ports for purposes of conducting state and national criminal background checks on seaport employee applicants. The remaining \$5,528,094 shall be allocated to ports by the Office of Drug Control, in coordination with the Florida Seaport Transportation and Economic Development Council (FSTED). Ports receiving funds shall provide a match based on the original Transportation Outreach Program application but which reflects the revised scope of the project.

Funds provided in Specific Appropriation 2045 for a Trade Corridor Strategy are for the Transportation Outreach Program Advisory Council to conduct a trade corridor strategy and implementation assessment. The scope of the comprehensive assessment will include coordination with all affected stakeholders by region and by trade corridor to conduct a thorough multimodal "needs" assessment to identify near-term, mid-term and long-term prioritized improvements for all modes of transportation with the state's identified corridors and corresponding regions. Order of magnitude costs associated with each multimodal need will be provided to the extent such costs may be determined and estimated. The assessment shall include a discussion of local, state and federal financing methods to implement the recommendation and conclusions put forth. The assessment shall be complete and submitted to the Governor and the Legislature by January 15, 2002.

Funds provided in Specific Appropriation 2045 for Metropolitan Area Mass Transit shall be provided for a bus replacement program in Miami-Dade County to be administered by the Miami-Dade Transit Agency. These funds shall require a non-state match of 40%. Of the funds appropriated, 60% shall be provided for new feeder/circulator buses which travel the main routes. The remaining 40% of the funds shall be provided for an increase or renovation of the existing main bus fleet.

2046A	FIXED CAPITAL OUTLAY COUNTY TRANSPORTATION PROGRAMS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	1,000,000
2047	FIXED CAPITAL OUTLAY AVIATION DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	84,313,715

From funds in Specific Appropriation 2047, \$500,000 shall be provided to the Office of Drug Control Policy to contract for a study of airport security at Florida's airports. The study shall include an evaluation of drug interdiction capabilities, safety and security levels as well as recommendations for improving these activities at Florida's major airports. The Office of Drug Control Policy may elect to contract or utilize vendors listed through the Department of Management Services approved management consulting services vendors list. While conducting this study, all representatives of the Office of Drug Control Policy shall abide by federal laws, rules, regulations or requirements applicable to airports as well as the provisions of any Bi-Lateral Aviation Agreement between nations involving airports in Florida and any International Compact applicable to an airport being studied. The study shall be completed and submitted to the legislature by February 15, 2002.

2048	FIXED CAPITAL OUTLAY PUBLIC TRANSIT DEVELOPMENT/GRANTS	
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	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	112,957,305
2049	FIXED CAPITAL OUTLAY SEAPORT - ECONOMIC DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	15,000,000
2050	FIXED CAPITAL OUTLAY SEAPORTS ACCESS PROGRAM FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	10,000,000
2051	FIXED CAPITAL OUTLAY SEAPORT GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	10,000,000

From funds in Specific Appropriation 2051, up to \$20,000 may be used for a study of the construction of a rail enhancement, cargo handling system located at the Port of Palm Beach which will link the Port of Miami, Port Everglades and the Port of Palm Beach using innovative rail technology. This study would determine whether or not technology allowing for trailers to be removed from the highway system and placed directly on an innovative rail system is an appropriate method of intermodal transportation. The study will also determine if utilizing this new technology will result in a more efficient and cost effective way of transporting goods between the Ports while relieving congestion on our state highway system.

2052	FIXED CAPITAL OUTLAY RAIL DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	51,351,882
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From funds in Specific Appropriation 2052, \$4,500,000 is provided for expenses necessary to evaluate and make recommendations on establishing a high speed ground transportation system as required by Article 10, Section 19 of the Florida Constitution.

2053	FIXED CAPITAL OUTLAY INTERMODAL DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	132,143,202
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2054	FIXED CAPITAL OUTLAY GRANTS AND AIDS - TRANSPORTATION DISADVANTAGED FROM TRANSPORTATION DISADVANTAGED TRUST FUND	25,440,404
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TOTAL: PROGRAM: PUBLIC TRANSPORTATION	FROM TRUST FUNDS	568,507,106
TOTAL POSITIONS		144
TOTAL ALL FUNDS		568,507,106

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

From funds in Specific Appropriations 2055 through 2073, the Highway Operations and Maintenance Program shall meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures	Standards
-----	-----
OUTCOMES:	

Maintenance condition rating of state highway system as measured	

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against department's maintenance manual standards.....	80	
Percent of commercial vehicles weighed that were over weight		
Fixed scale weighings	0.3%	
Portable scale weighings	44%	
=====		

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2055	SALARIES AND BENEFITS	POSITIONS	3,484
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		137,379,489
2056	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,678,238
2057	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		27,523,284
2058	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,043,188
2059	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		10,591,275
2060	SPECIAL CATEGORIES		
	FAIRBANKS HAZARDOUS WASTE SITE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		3,805,000
2061	SPECIAL CATEGORIES		
	CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		991,247
2061A	SPECIAL CATEGORIES		
	FLORIDA HIGHWAY PATROL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		11,200,328
2062	SPECIAL CATEGORIES		
	HUMAN RESOURCES DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		938,105
2063	SPECIAL CATEGORIES		
	OVERTIME		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,658,117
2064	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		218,240
2065	SPECIAL CATEGORIES		
	TRANSPORTATION MATERIALS AND EQUIPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		25,897,958
2065A	SPECIAL CATEGORIES		
	TRANSFER FOR CONTRACTED DISPATCH SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		615,175

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2067	FIXED CAPITAL OUTLAY		
	CODE AND SAFETY CORRECTIONS - STATEWIDE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		260,000
2068	FIXED CAPITAL OUTLAY		
	FIELD FACILITIES REPAIRS, RENOVATIONS,		
	ADDITIONS - STATEWIDE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		4,394,800
2069	FIXED CAPITAL OUTLAY		
	TRANSPORTATION HIGHWAY MAINTENANCE		
	CONTRACTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		196,245,000
	From Funds in Specific Appropriation 2069, 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.		
2070	FIXED CAPITAL OUTLAY		
	CONTRACT MAINTENANCE WITH THE DEPARTMENT		
	OF CORRECTIONS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		14,256,000
2071	FIXED CAPITAL OUTLAY		
	HIGHWAY BEAUTIFICATION GRANTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		3,000,000
	From the funds in Specific Appropriation 2071, \$150,000 is provided as a performance based grant to fund the State Litter Prevention Program, Keep Florida Beautiful, pursuant to s. 403.4131, F.S, and is contingent upon a like amount being transferred from the Department of Environmental Protection.		
	From the funds in Specific Appropriation 2071, \$850,000 is provided for the local Adopt-A-Highway Florida Certified Keep America Beautiful (KAB) System Grant Program, pursuant to s. 403.4131(5), F.S., is contingent upon a like amount being transferred from the Department of Environmental Protection.		
2072	FIXED CAPITAL OUTLAY		
	BRIDGE INSPECTION		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		8,030,000
2073	FIXED CAPITAL OUTLAY		
	TRAFFIC ENGINEERING CONSULTANTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		4,156,889
	From funds in Specific Appropriation 2073, \$269,047 shall be reimbursed to Miami-Dade County on behalf of the City of Coral Gables for transportation impact fees which were not expended in accordance with Miami-Dade County Roadway Impact Fee Ordinance 88-112. This payment represents the first of two equal payments.		
	TOTAL: PROGRAM: HIGHWAY OPERATIONS		
	FROM TRUST FUNDS		455,882,333
	TOTAL POSITIONS	3,484	
	TOTAL ALL FUNDS		455,882,333
	PROGRAM: TOLL OPERATIONS		
	From funds in Specific Appropriations 2074 through 2087, the Toll Operations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:		

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Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

Operational cost per toll transaction	< \$0.16
Number of toll transactions	529,000,000
=====	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2074	SALARIES AND BENEFITS	POSITIONS	996
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		32,074,174
2075	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,818,923
2076	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		16,481,013
2077	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		440,466
2078	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		19,179
2079	SPECIAL CATEGORIES		
	CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		453,551
2080	SPECIAL CATEGORIES		
	TOLL OPERATION CONTRACTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		32,443,263
2080A	SPECIAL CATEGORIES		
	PAYMENT TO EXPRESSWAY AUTHORITIES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		7,919,503
2081	SPECIAL CATEGORIES		
	HUMAN RESOURCES DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		174,150
2082	SPECIAL CATEGORIES		
	OVERTIME		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		500,000
2083	SPECIAL CATEGORIES		
	TRANSPORTATION MATERIALS AND EQUIPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		3,789,450
2084	FIXED CAPITAL OUTLAY		
	FIELD FACILITIES REPAIRS, RENOVATIONS,		
	ADDITIONS - STATEWIDE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		215,000

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2085	FIXED CAPITAL OUTLAY		
	INTRASTATE HIGHWAY CONSTRUCTION		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,636,800
2086	FIXED CAPITAL OUTLAY		
	PRELIMINARY ENGINEERING CONSULTANTS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,300,000
2087	FIXED CAPITAL OUTLAY		
	TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		9,840,345
TOTAL: PROGRAM: TOLL OPERATIONS			
	FROM TRUST FUNDS		110,105,817
	TOTAL POSITIONS	996	
	TOTAL ALL FUNDS		110,105,817
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2088	SALARIES AND BENEFITS	POSITIONS	883
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		43,018,755
2089	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		2,415,010
2090	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		15,414,181
2091	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		276,646
2092	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		243,569
2093	SPECIAL CATEGORIES		
	CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,787,810
2094	SPECIAL CATEGORIES		
	HUMAN RESOURCES DEVELOPMENT		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		205,464
2095	SPECIAL CATEGORIES		
	OVERTIME		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		102,731
2096	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		10,920,373
2097	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE - OTHER		
	FROM STATE TRANSPORTATION (PRIMARY)		
	TRUST FUND		1,402,482
2097A	SPECIAL CATEGORIES		
	TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT		

SECTION 5		
SPECIFIC		
APPROPRIATION		
	DISTRICT FOR EVERGLADES RESTORATION	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	2,000,000
2097B	SPECIAL CATEGORIES	
	TRANSFER TO DEPARTMENT OF REVENUE FOR	
	HIGHWAY TAX COMPLIANCE	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	200,000
2099	FIXED CAPITAL OUTLAY	
	OFFICE BUILDING REPAIRS, RENOVATIONS,	
	ADDITIONS - STATEWIDE	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	1,214,800
2100	FIXED CAPITAL OUTLAY	
	ADDITION/RENOVATION - DISTRICT OFFICE -	
	MIAMI	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	1,750,000
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES	
	FROM TRUST FUNDS	80,951,821
	TOTAL POSITIONS	883
	TOTAL ALL FUNDS	80,951,821
INFORMATION TECHNOLOGY		
2100A	SALARIES AND BENEFITS	337
	POSITIONS	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	11,450,647
2100B	OTHER PERSONAL SERVICES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	100,000
2100C	EXPENSES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	22,621,878
2100D	OPERATING CAPITAL OUTLAY	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	5,070,716
2100E	SPECIAL CATEGORIES	
	CONSULTANT FEES	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	1,925,000
2100F	SPECIAL CATEGORIES	
	HUMAN RESOURCES DEVELOPMENT	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	99,228
2100G	SPECIAL CATEGORIES	
	OVERTIME	
	FROM STATE TRANSPORTATION (PRIMARY)	
	TRUST FUND	82,569
TOTAL:	INFORMATION TECHNOLOGY	
	FROM TRUST FUNDS	41,350,038
	TOTAL POSITIONS	337
	TOTAL ALL FUNDS	41,350,038

SECTION 5			
SPECIFIC			
APPROPRIATION			
	TOTAL OF SECTION 5	POSITIONS	19,035
	FROM GENERAL REVENUE FUND		442,477,909
	FROM TRUST FUNDS		8346,023,603
	TOTAL ALL FUNDS		8788,501,512
SECTION 6 - GENERAL GOVERNMENT			
The moneys contained herein are appropriated from the named funds to Administered Funds, Agency for Workforce Innovation, Department of Banking and Finance, Department of Business and Professional Regulation, Department of Citrus, Executive Office of the Governor, Department of Insurance/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			
2102	LUMP SUM		
	SALARY INCREASES		
	FROM GENERAL REVENUE FUND	82,840,004	
	FROM TRUST FUNDS		41,164,115
2103	LUMP SUM		
	CASUALTY INSURANCE PREMIUM DEFICIT		
	FROM GENERAL REVENUE FUND	12,400,000	
	FROM TRUST FUNDS		14,600,000
2104	LUMP SUM		
	STATE HEALTH INSURANCE TRUST FUND		
	DEFICIENCY		
	FROM GENERAL REVENUE FUND	39,570,667	
	FROM TRUST FUNDS		16,444,444
2105	LUMP SUM		
	EXECUTIVE AIRCRAFT POOL SUBSCRIPTIONS		
	FROM GENERAL REVENUE FUND	1,000,000	
	FROM TRUST FUNDS		300,000
2106	LUMP SUM		
	FLORIDA RETIREMENT SYSTEM SURPLUS SAVINGS		
	FROM GENERAL REVENUE FUND	-66,000,000	
	FROM TRUST FUNDS		-28,300,000
2109	SPECIAL CATEGORIES		
	ASSOCIATION DUES		
	FROM GENERAL REVENUE FUND	182,170	
2110	SPECIAL CATEGORIES		
	COUNCIL OF STATE GOVERNMENTS		
	FROM GENERAL REVENUE FUND	223,882	
2111	SPECIAL CATEGORIES		
	DEFICIENCY		
	FROM GENERAL REVENUE FUND	400,000	
2112	SPECIAL CATEGORIES		
	EMERGENCY		
	FROM GENERAL REVENUE FUND	250,000	
2113	SPECIAL CATEGORIES		
	FLORIDA LAND AND WATER ADJUDICATORY		
	COMMISSION - ADMINISTRATIVE APPEALS		
	FROM GENERAL REVENUE FUND	4,756	
2114	SPECIAL CATEGORIES		
	TRANSFER TO PLANNING AND BUDGETING SYSTEM		
	TRUST FUND		
	FROM GENERAL REVENUE FUND	5,183,268	

SECTION 6
SPECIFIC
APPROPRIATION

Funds in Specific Appropriation 2114 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.

2115 SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST
FUND FOR TECHNOLOGY REVIEW WORKGROUP
FROM GENERAL REVENUE FUND 677,737

Funds in Specific Appropriation 2115 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting with the Technology Review Workgroup.

TOTAL: PROGRAM: ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND 76,732,484
FROM TRUST FUNDS 44,208,559
TOTAL ALL FUNDS 120,941,043

AGENCY FOR WORKFORCE INNOVATION

PROGRAM: WORKFORCE SERVICES

WORKFORCE DEVELOPMENT

From the funds in Specific Appropriations 2116 through 2162A, the Workforce Services Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Percent of job openings filled	55%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2116 SALARIES AND BENEFITS POSITIONS 1,043
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 44,171,395

2117 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 6,364,161

2118 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 14,359,153

2119 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,647,483

2120 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 402,502

2121 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 13,354,000

2121A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

SECTION 6
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND 1,371,483
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,371,483

2122 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE DEVELOPMENT BOARDS - FEDERAL WELFARE TO WORK GRANT
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 50,756,512

2123 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

2124 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 23,676
FROM DISPLACED HOMEMAKER TRUST FUND 2,060,024

2126 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 134,676

2127 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE INVESTMENT ACT - ADULT ALLOCATION
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 41,604,521

2128 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE INVESTMENT ACT - YOUTH ALLOCATION
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 41,357,488

2129 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE INVESTMENT ACT - DISLOCATED WORKER ALLOCATION
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 37,376,180

2129A DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 3,943,520

2130 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 152,500

TOTAL: WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 1,395,159
FROM TRUST FUNDS 259,546,460
TOTAL POSITIONS 1,043
TOTAL ALL FUNDS 260,941,619

UNEMPLOYMENT COMPENSATION

2132 SALARIES AND BENEFITS POSITIONS 307
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 15,668,887

2133 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 199,751

SECTION 6
SPECIFIC
APPROPRIATION

2134	EXPENSES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	5,391,003
2135	OPERATING CAPITAL OUTLAY FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	805,945
2136	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	19,852,923
2137	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	305,865
2137A	DATA PROCESSING SERVICES INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	5,438,374
TOTAL:	UNEMPLOYMENT COMPENSATION FROM TRUST FUNDS	47,662,748
	TOTAL POSITIONS	307
	TOTAL ALL FUNDS	47,662,748

WELFARE TRANSITION

From the funds in Specific Appropriations 2139 through 2150, any expenditures from the Temporary Assistance for Needy Families (TANF) Block Grant must 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 identify the number of clients to be served and certify 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.

The Secretary or his designee shall certify that controls are in place to insure that 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.

2139	SALARIES AND BENEFITS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	26	1,192,776
2140	OTHER PERSONAL SERVICES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		465,313
2141	EXPENSES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		8,266,065
2142	OPERATING CAPITAL OUTLAY FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		26,424
2143	SPECIAL CATEGORIES CONTRACT PAYMENTS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		1,275,000
2145	SPECIAL CATEGORIES GRANTS AND AIDS - WAGES COALITIONS		

SECTION 6
SPECIFIC
APPROPRIATION

	ALLOCATION FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		163,234,917
	From the funds in Specific Appropriation 2145, a minimum of \$153,234,917 shall be distributed to Regional Workforce Boards effective July 1, 2001, in accordance with a workload-based formula approved by the Board of Directors of Workforce Florida, Inc.		
	From the funds in Specific Appropriation 2145, \$750,000 from the Employment Security Administration Trust Fund shall be used for the Noncustodial Parent Program in Pinellas, Pasco and Hillsborough Counties until bid at the discretion of the local Regional Workforce Board.		
2145A	SPECIAL CATEGORIES G/A WAGES PAYMENTS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		850,000
	From the funds appropriated in Specific Appropriation 2145A, \$750,000 from the Temporary Assistance for Needy Families (TANF) Block Grant shall be used to support the Home Instruction Program for Pre-School Youngsters (HIPYP) at the University of South Florida and \$100,000 from the TANF Block Grant for HIPYP in Desoto County.		
2150	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		264,752

TOTAL: WELFARE TRANSITION

	FROM TRUST FUNDS		175,575,247
	TOTAL POSITIONS	26	
	TOTAL ALL FUNDS		175,575,247

WORKFORCE INVESTMENT AND ACCOUNTABILITY

2151	SALARIES AND BENEFITS FROM ADMINISTRATIVE TRUST FUND	114	5,403,804
	FROM REVOLVING TRUST FUND		211,200

Specific Appropriations 2151 through 2158 reflect a transfer from the Revolving Trust Fund to the Administrative Trust Fund. The transfer is contingent upon legislation becoming law to create the Administrative Trust Fund in the Agency for Workforce Innovation.

2152	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND		772,175
2153	EXPENSES FROM ADMINISTRATIVE TRUST FUND		5,363,574
	FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		225,880
2154	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND		108,325
2155	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND		103,168
2156	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ADMINISTRATIVE TRUST FUND		343,387
2156A	DATA PROCESSING SERVICES INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY FROM ADMINISTRATIVE TRUST FUND		446,788

SECTION 6			
SPECIFIC APPROPRIATION			
2158	FIXED CAPITAL OUTLAY DEBT SERVICE FROM ADMINISTRATIVE TRUST FUND		93,777
TOTAL: WORKFORCE INVESTMENT AND ACCOUNTABILITY FROM TRUST FUNDS			
	TOTAL POSITIONS	114	
	TOTAL ALL FUNDS		13,072,078
WORKFORCE INFORMATION			
2159	SALARIES AND BENEFITS POSITIONS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND	106	5,098,843
2160	OTHER PERSONAL SERVICES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		490,450
2161	EXPENSES FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		1,849,782
2162	OPERATING CAPITAL OUTLAY FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		286,226
2162A	DATA PROCESSING SERVICES INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		289,840
TOTAL: WORKFORCE INFORMATION FROM TRUST FUNDS			
	TOTAL POSITIONS	106	
	TOTAL ALL FUNDS		8,015,141

PROGRAM: WORKFORCE FLORIDA, INC.

From the funds in Specific Appropriations 2169 through 2171, the Workforce Florida, Inc. shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Number of individuals receiving customized training for new high skill/high wage jobs as a result of the Quick Response Training Program (QRT):	6,000
a) in rural areas	600
b) in Enterprise Zone/distressed inner city areas	1,560
c) in Brownfield areas	300
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2169	SALARIES AND BENEFITS POSITIONS FROM ADMINISTRATIVE TRUST FUND	13	727,956
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Specific Appropriations 2169 and 2170 represent a transfer from the Revolving Trust Fund to the Administrative Trust Fund in the Workforce, Fla, Inc. Program. This transfer is contingent upon legislation becoming law creating the Administrative Trust Fund within the Agency for Workforce Innovation.

SECTION 6			
SPECIFIC APPROPRIATION			
2170	SPECIAL CATEGORIES WORKFORCE FLORIDA INC. OPERATIONS FROM GENERAL REVENUE FUND		819,136
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		2,083,184
TOTAL: PROGRAM: WORKFORCE FLORIDA, INC. FROM GENERAL REVENUE FUND			
	FROM TRUST FUNDS		2,811,140
	TOTAL POSITIONS	13	
	TOTAL ALL FUNDS		9,630,276
BANKING AND FINANCE, DEPARTMENT OF, AND COMPTROLLER			
PROGRAM: COMPTROLLER AND CABINET AFFAIRS			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2172	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	5	411,100
2173	EXPENSES FROM GENERAL REVENUE FUND		101,935
2173A	DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM GENERAL REVENUE FUND		233
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND			
	TOTAL POSITIONS	5	
	TOTAL ALL FUNDS		513,268

PROGRAM: FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS

From the funds in Specific Appropriations 2174 through 2194, the Financial Accountability for Public Funds Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of total amount of unclaimed property claims paid compared to total amount in returnable accounts	80%
2. Percent of programs customers who rated service as good or excellent	95%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

RECOVERY AND RETURN OF UNCLAIMED PROPERTY			
2174	SALARIES AND BENEFITS POSITIONS FROM REGULATORY TRUST FUND	52	1,970,286
2175	OTHER PERSONAL SERVICES FROM REGULATORY TRUST FUND		626,767

SECTION 6			
SPECIFIC APPROPRIATION			
2176	EXPENSES		
	FROM REGULATORY TRUST FUND	1,814,546	
2177	OPERATING CAPITAL OUTLAY		
	FROM REGULATORY TRUST FUND	390,500	
2178	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND	5,892	
2178A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM REGULATORY TRUST FUND	385,166	
TOTAL: RECOVERY AND RETURN OF UNCLAIMED PROPERTY			
	FROM TRUST FUNDS	5,193,157	
	TOTAL POSITIONS	52	
	TOTAL ALL FUNDS	5,193,157	

STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING

2179	SALARIES AND BENEFITS	POSITIONS	155	
	FROM GENERAL REVENUE FUND		7,086,728	
	FROM ADMINISTRATIVE TRUST FUND			119,106
	FROM CONSOLIDATED PAYMENT TRUST FUND			189,323
2180	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		164,000	
2181	EXPENSES			
	FROM GENERAL REVENUE FUND	1,410,578		
	FROM CONSOLIDATED PAYMENT TRUST FUND		12,345	
2182	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		37,000	
2182A	SPECIAL CATEGORIES			
	GRANTS AND AIDS - SMALL COUNTY TECHNICAL ASSISTANCE			
	FROM GENERAL REVENUE FUND		500,000	
2183	SPECIAL CATEGORIES			
	CAPITAL COLLATERAL REGIONAL COUNSEL CONFLICT CASES			
	FROM ADMINISTRATIVE TRUST FUND		2,373,394	
2184	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		15,882	
2184A	DATA PROCESSING SERVICES			
	STATE COMPTROLLER'S DATA CENTER -			
	DEPARTMENT OF BANKING AND FINANCE			
	FROM GENERAL REVENUE FUND		59,758	
TOTAL: STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING				
	FROM GENERAL REVENUE FUND	9,273,946		
	FROM TRUST FUNDS		2,694,168	
	TOTAL POSITIONS	155		
	TOTAL ALL FUNDS		11,968,114	

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2185	SALARIES AND BENEFITS	POSITIONS	34	
	FROM GENERAL REVENUE FUND		837,262	
	FROM ADMINISTRATIVE TRUST FUND			939,059

SECTION 6			
SPECIFIC APPROPRIATION			
2186	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		6,327
2187	EXPENSES		
	FROM GENERAL REVENUE FUND	142,422	
	FROM ADMINISTRATIVE TRUST FUND		225,998
2188	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,475	
	FROM ADMINISTRATIVE TRUST FUND		2,475
2189	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		105,475
2190	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	7,540	
	FROM ADMINISTRATIVE TRUST FUND		10,322
2190A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND	50,559	
	FROM ADMINISTRATIVE TRUST FUND		246,076
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	1,040,258	
	FROM TRUST FUNDS		1,535,732
	TOTAL POSITIONS	34	
	TOTAL ALL FUNDS		2,575,990

INFORMATION TECHNOLOGY

2191	SALARIES AND BENEFITS	POSITIONS	146	
	FROM GENERAL REVENUE FUND		7,259,411	
2192	EXPENSES			
	FROM GENERAL REVENUE FUND		8,208,753	
2193	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		634,900	
2194	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		11,837	
TOTAL: INFORMATION TECHNOLOGY				
	FROM GENERAL REVENUE FUND	16,114,901		
	TOTAL POSITIONS	146		
	TOTAL ALL FUNDS		16,114,901	

PROGRAM: FINANCIAL INSTITUTIONS REGULATORY PROGRAM

From the funds in Specific Appropriations 2195 through 2227, the Financial Institutions Regulatory Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance	FY 2001-2002
Measures - Outcomes	Standards
Percentage of licensees examined where department action is taken 25%	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

SECTION 6			
SPECIFIC			
APPROPRIATION			
COMPLIANCE AND ENFORCEMENT			
2195	SALARIES AND BENEFITS	POSITIONS	159
	FROM GENERAL REVENUE FUND		2,896,167
	FROM ANTI-FRAUD TRUST FUND		165,772
	FROM REGULATORY TRUST FUND		4,184,979
2196	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		13,038
	FROM ANTI-FRAUD TRUST FUND		207,161
	FROM REGULATORY TRUST FUND		72,396
2197	EXPENSES		
	FROM GENERAL REVENUE FUND		446,926
	FROM ANTI-FRAUD TRUST FUND		252,992
	FROM REGULATORY TRUST FUND		646,682
2198	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		8,486
	FROM REGULATORY TRUST FUND		4,820
2199	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		5,868
	FROM REGULATORY TRUST FUND		11,359
2199A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND		108,167
	FROM REGULATORY TRUST FUND		122,292
2199B	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF		
	MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND		27,569
TOTAL:	COMPLIANCE AND ENFORCEMENT		
	FROM GENERAL REVENUE FUND		3,506,221
	FROM TRUST FUNDS		5,668,453
	TOTAL POSITIONS		159
	TOTAL ALL FUNDS		9,174,674
FINANCIAL SERVICES INDUSTRY REGULATION			
2201	SALARIES AND BENEFITS	POSITIONS	73
	FROM GENERAL REVENUE FUND		2,252,590
	FROM REGULATORY TRUST FUND		1,376,240
2202	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		10,162
	FROM REGULATORY TRUST FUND		162,804
2203	EXPENSES		
	FROM GENERAL REVENUE FUND		337,830
	FROM REGULATORY TRUST FUND		595,692
2204	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		6,613
	FROM REGULATORY TRUST FUND		5,180
2205	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		4,574
	FROM REGULATORY TRUST FUND		12,208
2205A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND		84,302
	FROM REGULATORY TRUST FUND		131,428

SECTION 6			
SPECIFIC			
APPROPRIATION			
2205B DATA PROCESSING SERVICES			
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF		
	MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND		21,487
TOTAL:	FINANCIAL SERVICES INDUSTRY REGULATION		
	FROM GENERAL REVENUE FUND		2,717,558
	FROM TRUST FUNDS		2,283,552
	TOTAL POSITIONS		73
	TOTAL ALL FUNDS		5,001,110
SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM			
2207	SALARIES AND BENEFITS	POSITIONS	126
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		7,045,131
2208	OTHER PERSONAL SERVICES		
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		9,150
2209	EXPENSES		
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		1,346,027
2210	OPERATING CAPITAL OUTLAY		
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		10,000
2211	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		29,827
2211A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM FINANCIAL INSTITUTIONS REGULATORY		
	TRUST FUND		419,439
TOTAL:	SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM		
	FROM TRUST FUNDS		8,859,574
	TOTAL POSITIONS		126
	TOTAL ALL FUNDS		8,859,574
CONSUMER FINANCIAL FRAUD PREVENTION AND DETECTION			
2212	SALARIES AND BENEFITS	POSITIONS	67
	FROM GENERAL REVENUE FUND		1,374,111
	FROM ADMINISTRATIVE TRUST FUND		1,760,537
2213	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		6,050
2214	EXPENSES		
	FROM GENERAL REVENUE FUND		468,253
	FROM ADMINISTRATIVE TRUST FUND		539,366
	FROM FEDERAL EQUITABLE SHARING/LAW		
	ENFORCEMENT TRUST FUND		100,000
2215	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		8,302
	FROM ADMINISTRATIVE TRUST FUND		8,302
2216	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		6,887
	FROM ADMINISTRATIVE TRUST FUND		9,186

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2216A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND	11,613	
	FROM ADMINISTRATIVE TRUST FUND		13,473
TOTAL: CONSUMER FINANCIAL FRAUD PREVENTION AND DETECTION			
	FROM GENERAL REVENUE FUND	1,869,166	
	FROM TRUST FUNDS		2,436,914
	TOTAL POSITIONS	67	
	TOTAL ALL FUNDS		4,306,080
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2217	SALARIES AND BENEFITS	POSITIONS 71	
	FROM GENERAL REVENUE FUND	1,723,506	
	FROM ADMINISTRATIVE TRUST FUND		1,934,394
2218	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		12,845
2219	EXPENSES		
	FROM GENERAL REVENUE FUND	162,755	
	FROM ADMINISTRATIVE TRUST FUND		255,380
2220	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,025	
	FROM ADMINISTRATIVE TRUST FUND		5,025
2221	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		214,150
2222	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,308	
	FROM ADMINISTRATIVE TRUST FUND		20,957
2222A	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND	102,650	
	FROM ADMINISTRATIVE TRUST FUND		497,152
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	2,009,244	
	FROM TRUST FUNDS		2,939,903
	TOTAL POSITIONS	71	
	TOTAL ALL FUNDS		4,949,147
INFORMATION TECHNOLOGY			
2223	SALARIES AND BENEFITS	POSITIONS 22	
	FROM WORKING CAPITAL TRUST FUND		927,473
2224	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		243,000
2225	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		542,690
2226	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		625,124
2227	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM WORKING CAPITAL TRUST FUND		4,823

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TOTAL: INFORMATION TECHNOLOGY			
	FROM TRUST FUNDS		2,343,110
	TOTAL POSITIONS	22	
	TOTAL ALL FUNDS		2,343,110
BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF			
PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATION			
FLORIDA BOXING COMMISSION			
2228	SALARIES AND BENEFITS	POSITIONS 3	
	FROM PROFESSIONAL REGULATION TRUST FUND		199,120
2229	OTHER PERSONAL SERVICES		
	FROM PROFESSIONAL REGULATION TRUST FUND		38,081
2230	EXPENSES		
	FROM PROFESSIONAL REGULATION TRUST FUND		155,001
2231	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM PROFESSIONAL REGULATION TRUST FUND		578
TOTAL: FLORIDA BOXING COMMISSION			
	FROM TRUST FUNDS		392,780
	TOTAL POSITIONS	3	
	TOTAL ALL FUNDS		392,780
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2232	SALARIES AND BENEFITS	POSITIONS 242	
	FROM ADMINISTRATIVE TRUST FUND		11,207,778
2233	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		895,307
2234	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		3,049,498
2235	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		177,346
2236	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		766,060
2237	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND		120,513
2238	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM ADMINISTRATIVE TRUST FUND		1,560
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM TRUST FUNDS		16,218,062
	TOTAL POSITIONS	242	
	TOTAL ALL FUNDS		16,218,062
INFORMATION TECHNOLOGY			
2239	SALARIES AND BENEFITS	POSITIONS 49	
	FROM ADMINISTRATIVE TRUST FUND		2,381,665

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2239A	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND	129,610
2240	EXPENSES FROM ADMINISTRATIVE TRUST FUND	2,093,402
2240A	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ADMINISTRATIVE TRUST FUND	40,172
2240B	SPECIAL CATEGORIES TECHNOLOGY SOLUTIONS FOR DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION FROM ADMINISTRATIVE TRUST FUND	10,000,000
2240C	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM ADMINISTRATIVE TRUST FUND	684,752
2240D	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM ADMINISTRATIVE TRUST FUND	5,714
TOTAL:	INFORMATION TECHNOLOGY FROM TRUST FUNDS	15,335,315
	TOTAL POSITIONS	49
	TOTAL ALL FUNDS	15,335,315

PROGRAM: PROFESSIONAL REGULATION

From the funds in Specific Appropriations 2242 through 2261A, the Professional Regulation Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of applications processed within 90 days.....	100%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

Funds provided in Specific Appropriation 2242, 2244, and 2246 from the Professional Regulation Trust Fund, reflect the reduction of \$129,596 and 2 FTE positions for the outsourcing of licensing and regulatory function of the architect and interior design professions. If the outsourcing of these functions is not implemented, the Executive Office of the Governor may adjust the 2001-2002 Position and Rate Ledger to restore 2 FTE positions and \$129,596 in accordance with provisions of Chapter 216, Florida Statutes.

2242	SALARIES AND BENEFITS POSITIONS FROM PROFESSIONAL REGULATION TRUST FUND	183	7,264,076
2243	OTHER PERSONAL SERVICES FROM PROFESSIONAL REGULATION TRUST FUND		68,750
2244	EXPENSES FROM PROFESSIONAL REGULATION TRUST FUND		1,772,414
2245	OPERATING CAPITAL OUTLAY FROM PROFESSIONAL REGULATION TRUST FUND		5,340
2246	SPECIAL CATEGORIES UNLICENSED ACTIVITIES FROM PROFESSIONAL REGULATION TRUST FUND		1,145,050

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From the funds in Specific Appropriation 2246, 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. 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.

From the funds in Specific Appropriation 2246, up to \$200,000 from the Professional Regulation Trust Fund is provided to the Department to institute an unlicensed activity campaign for the purpose of informing and educating the public: (1) that public accounting is a regulated profession with requirements of licensure pursuant to Chapter 473, Florida Statutes; (2) that some services provided by unlicensed individuals, although legal, are regulated when provided by a licensed Florida Certified Public Accountant; and (3) that certain services may only be performed by a licensed Florida Certified Public Accountant. The Department shall develop the campaign in consultation with a corporation registered under Chapter 517, 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 Florida Certified Public Accountants. Any advertising, media or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship.

2247	SPECIAL CATEGORIES CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND FROM PROFESSIONAL REGULATION TRUST FUND		1,200,000
2248	SPECIAL CATEGORIES CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND FROM PROFESSIONAL REGULATION TRUST FUND		100,000
2249	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PROFESSIONAL REGULATION TRUST FUND		201,478
2250	FINANCIAL ASSISTANCE PAYMENTS SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND FROM PROFESSIONAL REGULATION TRUST FUND		520,000
TOTAL:	COMPLIANCE AND ENFORCEMENT FROM TRUST FUNDS		12,277,108
	TOTAL POSITIONS	183	
	TOTAL ALL FUNDS		12,277,108

STANDARDS AND LICENSURE

Funds provided in Specific Appropriation 2251, 2252, 2253, 2255, 2256, 2258 and 2261A from the Professional Regulation Trust Fund, reflect the reduction of \$663,279 and 6 FTE positions for the outsourcing of licensing and regulatory functions of the architect and interior design professions. If the outsourcing of these functions is not implemented, the Executive Office of the Governor may adjust the 2001-2002 Position and Rate Ledger to restore 6 FTE positions and \$663,279 in accordance with provisions of Chapter 216, Florida Statutes.

Funds provided in Specific Appropriation 2251 and 2253 from the Professional Regulation Trust Fund, reflect the reduction of \$255,868 for the outsourcing of records imaging in the Division of Real Estate. If the outsourcing of the records imaging function is implemented, the Executive Office of the Governor may adjust the 2001-2002 Position and

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Rate Ledger to place 8 FTE positions in reserve in accordance with provisions of Chapter 216, Florida Statutes.

2251	SALARIES AND BENEFITS	POSITIONS	180	
	FROM PROFESSIONAL REGULATION TRUST FUND .			6,341,911
2252	OTHER PERSONAL SERVICES			
	FROM PROFESSIONAL REGULATION TRUST FUND .			782,538
2253	EXPENSES			
	FROM PROFESSIONAL REGULATION TRUST FUND .			2,686,262

From the funds provided in Specific Appropriation 2253, the Department of Business and Professional Regulation shall move the physical offices of the Construction Industry Licensing Board to Leon County. As of October 1, 2001, no funds are appropriated to continue the lease of office space for the program in Duval County.

2254	OPERATING CAPITAL OUTLAY			
	FROM PROFESSIONAL REGULATION TRUST FUND .			14,660
2255	SPECIAL CATEGORIES			
	LEGAL SERVICES CONTRACT			
	FROM PROFESSIONAL REGULATION TRUST FUND .			605,648
2256	SPECIAL CATEGORIES			
	EXAMINATION TESTING SERVICES FOR			
	PROFESSIONAL REGULATION			
	FROM PROFESSIONAL REGULATION TRUST FUND .			1,793,987
2257	SPECIAL CATEGORIES			
	CONTINUING EDUCATION			
	FROM PROFESSIONAL REGULATION TRUST FUND .			1,500
2258	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM PROFESSIONAL REGULATION TRUST FUND .			177,355
2259	SPECIAL CATEGORIES			
	MINORITY SCHOLARSHIPS - CERTIFIED PUBLIC			
	ACCOUNTING			
	FROM PROFESSIONAL REGULATION TRUST FUND .			100,000
2260	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 2260, \$300,000 is to be reserved for operational contingencies which shall be approved by the agency prior to release of funds.

2261	SPECIAL CATEGORIES			
	GRANTS AND AIDS - MANAGEMENT PRIVATIZATION			
	ACT CONTRACTED SERVICES			
	FROM PROFESSIONAL REGULATION TRUST FUND .			792,875
2261A	DATA PROCESSING SERVICES			
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF			
	MANAGEMENT SERVICES			
	FROM PROFESSIONAL REGULATION TRUST FUND .			823,404
TOTAL:	STANDARDS AND LICENSURE			
	FROM TRUST FUNDS			16,290,140
	TOTAL POSITIONS		180	
	TOTAL ALL FUNDS			16,290,140

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PROGRAM: PARI-MUTUEL WAGERING

From the funds in Specific Appropriation 2263 through 2283A, the Pari-Mutuel Wagering Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

Percent of races and games that are in compliance with all	
laws and regulations	99.15%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2263	SALARIES AND BENEFITS	POSITIONS	12	
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			480,624
2264	OTHER PERSONAL SERVICES			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			37,984
2265	EXPENSES			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			74,850
2266	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			64,520
2266A	SPECIAL CATEGORIES			
	PARI-MUTUEL LABORATORY CONTRACTED SERVICES			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			1,860,000
TOTAL:	COMPLIANCE AND ENFORCEMENT			
	FROM TRUST FUNDS			2,517,978
	TOTAL POSITIONS		12	
	TOTAL ALL FUNDS			2,517,978

STANDARDS AND LICENSURE

2268	SALARIES AND BENEFITS	POSITIONS	36	
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			1,641,554
2269	OTHER PERSONAL SERVICES			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			2,058,760
2270	EXPENSES			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			574,662
2271	OPERATING CAPITAL OUTLAY			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			18,032
2272	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .			24,802
2273	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 2273, \$300,000 is provided for the pari-mutuel wagering funded

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research and development program. The University of Florida and the Department shall jointly prioritize the programs or projects and administer the distribution of funds.

2274	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PARI-MUTUEL WAGERING TRUST FUND . . .	154,128
2275	SPECIAL CATEGORIES REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION) FROM PARI-MUTUEL WAGERING TRUST FUND . . .	167,959
2275A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . .	96,476
2276	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . .	75,000
TOTAL:	STANDARDS AND LICENSURE FROM TRUST FUNDS	5,111,373
	TOTAL POSITIONS	36
	TOTAL ALL FUNDS	5,111,373
TAX COLLECTION		
2278	SALARIES AND BENEFITS POSITIONS FROM PARI-MUTUEL WAGERING TRUST FUND . . .	22 1,018,518
2279	OTHER PERSONAL SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . .	220,850
2280	EXPENSES FROM PARI-MUTUEL WAGERING TRUST FUND . . .	214,296
2281	AID TO LOCAL GOVERNMENTS CARDROOM TAX REVENUE DISTRIBUTED TO LOCAL GOVERNMENTS FROM PARI-MUTUEL WAGERING TRUST FUND . . .	75,000
2282	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PARI-MUTUEL WAGERING TRUST FUND . . .	139,791
2283	SPECIAL CATEGORIES TAX COLLECTION (EQUALIZATION) FROM PARI-MUTUEL WAGERING TRUST FUND . . .	60,725
2283A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . .	200,000
TOTAL:	TAX COLLECTION FROM TRUST FUNDS	1,929,180
	TOTAL POSITIONS	22
	TOTAL ALL FUNDS	1,929,180
PROGRAM: HOTELS AND RESTAURANTS		

From the funds in Specific Appropriations 2285 through 2294A, the Hotels and Restaurants Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

=====	
Performance	FY 2001-2002
Measures - Outcomes	Standards

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Percent of licenses in compliance with applicable laws	
and rules for food service and public lodging	
establishments.....	86%
=====	=====

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2285	SALARIES AND BENEFITS POSITIONS FROM HOTEL AND RESTAURANT TRUST FUND . . .	302 12,656,973
2286	OTHER PERSONAL SERVICES FROM HOTEL AND RESTAURANT TRUST FUND . . .	9,500
2287	EXPENSES FROM HOTEL AND RESTAURANT TRUST FUND . . .	2,100,035
2288	OPERATING CAPITAL OUTLAY FROM HOTEL AND RESTAURANT TRUST FUND . . .	18,311
2288A	SPECIAL CATEGORIES TRANSFERS TO DEPARTMENT OF HEALTH FOR EPIDEMIOLOGICAL SERVICES FROM HOTEL AND RESTAURANT TRUST FUND . . .	418,416
2289	SPECIAL CATEGORIES GRANTS AND AIDS - SCHOOL-TO-CAREER FROM HOTEL AND RESTAURANT TRUST FUND . . .	150,000
2290	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM HOTEL AND RESTAURANT TRUST FUND . . .	481,734
TOTAL:	COMPLIANCE AND ENFORCEMENT FROM TRUST FUNDS	15,834,969
	TOTAL POSITIONS	302
	TOTAL ALL FUNDS	15,834,969
STANDARDS AND LICENSURE		
2292	SALARIES AND BENEFITS POSITIONS FROM HOTEL AND RESTAURANT TRUST FUND . . .	10 419,877
2293	EXPENSES FROM HOTEL AND RESTAURANT TRUST FUND . . .	51,792
2294	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM HOTEL AND RESTAURANT TRUST FUND . . .	14,452
2294A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM HOTEL AND RESTAURANT TRUST FUND . . .	550,109
TOTAL:	STANDARDS AND LICENSURE FROM TRUST FUNDS	1,036,230
	TOTAL POSITIONS	10
	TOTAL ALL FUNDS	1,036,230
PROGRAM: ALCOHOLIC BEVERAGES AND TOBACCO		

From the funds in Specific Appropriations 2296 through 2312, the Alcoholic Beverages and Tobacco Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

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Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of license applications processed within 90 days....	99%
Percent of total retail alcohol and tobacco licensees and permit holders inspected.....	40%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2296 SALARIES AND BENEFITS POSITIONS 230	
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	11,780,050
FROM TOBACCO SETTLEMENT TRUST FUND	556,890
2297 EXPENSES	
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	1,722,059
2298 SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	396,000
2299 SPECIAL CATEGORIES	
OPERATION AND MAINTENANCE OF PATROL VEHICLES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	440,081
2300 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	135,573
2301 SPECIAL CATEGORIES	
SALARY INCENTIVE PAYMENTS FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	301,415
2301A SPECIAL CATEGORIES	
TRANSFER FOR CONTRACTED DISPATCH SERVICES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	140,000
2301B SPECIAL CATEGORIES	
FLORIDA TOBACCO PILOT - ENFORCEMENT FROM TOBACCO SETTLEMENT TRUST FUND	4,587,393
TOTAL: COMPLIANCE AND ENFORCEMENT FROM TRUST FUNDS	20,059,461
TOTAL POSITIONS	230
TOTAL ALL FUNDS	20,059,461

STANDARDS AND LICENSURE

2302 SALARIES AND BENEFITS POSITIONS 67	
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	2,783,373
2303 OTHER PERSONAL SERVICES	
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	28,800
2304 EXPENSES	
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	1,461,973

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2305 AID TO LOCAL GOVERNMENTS	
BEVERAGE LICENSE TO CITIES AND COUNTIES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	11,244,000
2306 OPERATING CAPITAL OUTLAY	
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	30,000
2307 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	39,882
2307A 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	15,823,450
TOTAL POSITIONS	67
TOTAL ALL FUNDS	15,823,450
TAX COLLECTION	
2309 SALARIES AND BENEFITS POSITIONS 126	
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	5,146,736
2310 EXPENSES	
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	1,065,493
2311 SPECIAL CATEGORIES	
CIGARETTE TAX STAMPS FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	559,600
2312 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND	77,594
TOTAL: TAX COLLECTION FROM TRUST FUNDS	6,849,423
TOTAL POSITIONS	126
TOTAL ALL FUNDS	6,849,423

PROGRAM: FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES

From the funds in Specific Appropriations 2314 through 2325A, 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.

Performance Measures - Outcomes	FY 2001-2002 Standards
Percent of permanent licenses issued and filings reviewed as prescribed by laws.....	100%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

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COMPLIANCE AND ENFORCEMENT			
2314	SALARIES AND BENEFITS	POSITIONS	108
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			4,445,871
2315	OTHER PERSONAL SERVICES		
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			29,869
2316	EXPENSES		
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			828,392
2317	OPERATING CAPITAL OUTLAY		
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			7,867
2318	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			46,524
2319	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONDOMINIUM/COOPERATIVE ASSOCIATION MANAGEMENT EDUCATION		
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			500,000
2319A	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		
			6,080,943
	TOTAL POSITIONS		
		108	
	TOTAL ALL FUNDS		
			6,080,943
STANDARDS AND LICENSURE			
2321	SALARIES AND BENEFITS	POSITIONS	32
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			1,395,757
2322	OTHER PERSONAL SERVICES		
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			15,131
2323	EXPENSES		
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			420,407
2324	OPERATING CAPITAL OUTLAY		
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			2,498
2325	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		

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FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND			
			16,346
2325A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND		
			78,147
TOTAL: STANDARDS AND LICENSURE			
	FROM TRUST FUNDS		
			1,928,286
	TOTAL POSITIONS		
		32	
	TOTAL ALL FUNDS		
			1,928,286

PROGRAM: CITRUS, DEPARTMENT OF

From funds in Specific Appropriations 2327 through 2342, the department will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

1. Gross on-tree revenue for Florida Oranges.....	\$872 million
2. Number of pounds solids used in new products	483,000

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

CITRUS RESEARCH			
2327	SALARIES AND BENEFITS	POSITIONS	34
	FROM CITRUS ADVERTISING TRUST FUND		
			1,757,698
2328	OTHER PERSONAL SERVICES		
	FROM CITRUS ADVERTISING TRUST FUND		
			50,000
2329	EXPENSES		
	FROM CITRUS ADVERTISING TRUST FUND		
			3,061,155
2330	OPERATING CAPITAL OUTLAY		
	FROM CITRUS ADVERTISING TRUST FUND		
			306,000
2331	SPECIAL CATEGORIES		
	PAID ADVERTISING AND PROMOTION		
	FROM CITRUS ADVERTISING TRUST FUND		
			75,000
TOTAL: CITRUS RESEARCH			
	FROM TRUST FUNDS		
			5,249,853
	TOTAL POSITIONS		
		34	
	TOTAL ALL FUNDS		
			5,249,853
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2332	SALARIES AND BENEFITS	POSITIONS	53
	FROM CITRUS ADVERTISING TRUST FUND		
			2,589,296
2333	OTHER PERSONAL SERVICES		
	FROM CITRUS ADVERTISING TRUST FUND		
			78,000
2334	EXPENSES		
	FROM CITRUS ADVERTISING TRUST FUND		
			2,315,283
2335	OPERATING CAPITAL OUTLAY		
	FROM CITRUS ADVERTISING TRUST FUND		
			136,000

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2336	SPECIAL CATEGORIES PAID ADVERTISING AND PROMOTION FROM CITRUS ADVERTISING TRUST FUND		75,000
2337	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CITRUS ADVERTISING TRUST FUND		37,676
2337A	DATA PROCESSING SERVICES REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM FROM CITRUS ADVERTISING TRUST FUND		8,000
2338	DATA PROCESSING SERVICES STATE TECHNOLOGY OFFICE FROM CITRUS ADVERTISING TRUST FUND		32,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM TRUST FUNDS			5,271,255
	TOTAL POSITIONS	53	
	TOTAL ALL FUNDS		5,271,255
AGRICULTURAL PRODUCTS MARKETING			
2339	SALARIES AND BENEFITS POSITIONS FROM CITRUS ADVERTISING TRUST FUND	63	4,082,322
2340	OTHER PERSONAL SERVICES FROM CITRUS ADVERTISING TRUST FUND		20,000
2341	EXPENSES FROM CITRUS ADVERTISING TRUST FUND		2,090,545
<p>From the funds provided in Specific Appropriation 2341, 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 2366 dispensed at the Florida Welcome Stations.</p>			
2342	SPECIAL CATEGORIES PAID ADVERTISING AND PROMOTION FROM CITRUS ADVERTISING TRUST FUND		63,545,941
TOTAL: AGRICULTURAL PRODUCTS MARKETING FROM TRUST FUNDS			69,738,808
	TOTAL POSITIONS	63	
	TOTAL ALL FUNDS		69,738,808
GOVERNOR, EXECUTIVE OFFICE OF THE			
PROGRAM: GENERAL OFFICE			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2343	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	112 6,481,242	175,513
2345	LUMP SUM EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	1,902,016	713,508
2347	LUMP SUM EXECUTIVE OFFICE OF THE GOVERNOR - WASHINGTON OFFICE FROM GENERAL REVENUE FUND		124,874

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2352	SPECIAL CATEGORIES CONTINGENT - DISCRETIONARY FROM GENERAL REVENUE FUND		30,000
2353	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND		44,527 1,007
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND			8,582,659
FROM TRUST FUNDS			890,028
	TOTAL POSITIONS	112	
	TOTAL ALL FUNDS		9,472,687
DRUG CONTROL COORDINATION			
2356	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	5 347,854	
<p>From funds in Specific Appropriations 2356 through 2358, the Office of Drug Control in the Executive Office of the Governor shall, working in conjunction with the Florida Department of Law Enforcement and the Florida Seaport Transportation and Economic Development Council (FSTED), submit a report of baseline measures and standards developed for FY 2001-2002 relating to the effectiveness of security improvements provided to Florida seaports in Specific Appropriation 2045. The report shall be submitted to the Governor, the Speaker of the House and the Senate President no later than September 1, 2001 for their consideration prior to developing the FY 2002-2003 budget.</p>			
2357	LUMP SUM EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION FROM GENERAL REVENUE FUND		83,093
2358	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		1,116
TOTAL: DRUG CONTROL COORDINATION FROM GENERAL REVENUE FUND			432,063
	TOTAL POSITIONS	5	
	TOTAL ALL FUNDS		432,063
SCHOOL READINESS			
2358A	SALARIES AND BENEFITS POSITIONS FROM GRANTS AND DONATIONS TRUST FUND	3	217,496
2358B	LUMP SUM PARTNERSHIP FOR SCHOOL READINESS FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND		314,032 861,268
TOTAL: SCHOOL READINESS FROM GENERAL REVENUE FUND			314,032
FROM TRUST FUNDS			1,078,764
	TOTAL POSITIONS	3	
	TOTAL ALL FUNDS		1,392,796
LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM			
2359	SALARIES AND BENEFITS POSITIONS FROM PLANNING AND BUDGETING SYSTEM TRUST FUND	43	2,910,659

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Funds in Specific Appropriation 2359 include an increase in salary rate of \$150,000.

2360	LUMP SUM LEGISLATIVE APPROPRIATION SYSTEM/PLANNING AND BUDGETING SUBSYSTEM FROM PLANNING AND BUDGETING SYSTEM TRUST FUND	2,178,590
2361	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PLANNING AND BUDGETING SYSTEM TRUST FUND	15,875
2362	DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM PLANNING AND BUDGETING SYSTEM TRUST FUND	44,550
2363	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		5,173,674
	TOTAL POSITIONS	43
	TOTAL ALL FUNDS	5,173,674

EXECUTIVE PLANNING AND BUDGETING

2363A	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	101 6,249,700
2363B	LUMP SUM EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING FROM GENERAL REVENUE FUND	918,678
2363C	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	34,527
2363D	SPECIAL CATEGORIES DEPARTMENT OF EDUCATION REORGANIZATION FROM GENERAL REVENUE FUND	250,000
TOTAL: EXECUTIVE PLANNING AND BUDGETING FROM GENERAL REVENUE FUND		7,452,905
	TOTAL POSITIONS	101
	TOTAL ALL FUNDS	7,452,905

PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC
DEVELOPMENT

From the funds in Specific Appropriations 2363E through 2369, 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:

Performance	FY 2001-2002	
Measures	Standards	

OUTCOMES:		

Number of direct full-time jobs facilitated as a result		
of Enterprise Florida's recruitment, expansion and		

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retention efforts.....	33,000	
Sustained growth in the number of travelers who come and go through Florida		
Out-of-state.....	74.13 million	
Residents.....	13.49 million	
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.		

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2363E	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND FROM TOURISM PROMOTION TRUST FUND	18 333,247 85,791 441,021 441,022
2363F	LUMP SUM EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT FROM GENERAL REVENUE FUND FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND FROM TOURISM PROMOTION TRUST FUND	113,258 24,760 118,866 380,000 118,866
2363G	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND FROM TOURISM PROMOTION TRUST FUND	11,634 2,578 6,827
2363H	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND	968,582
2363I	SPECIAL CATEGORIES TRANSFER TO ECONOMIC DEVELOPMENT TRUST FUND FROM BROWNFIELD PROPERTY OWNERSHIP CLEARANCE ASSISTANCE REVOLVING LOAN TRUST FUND	600,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND FROM TRUST FUNDS		458,139 3,188,313
	TOTAL POSITIONS	18
	TOTAL ALL FUNDS	3,646,452

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS

2364	LUMP SUM BUSINESS EXPANSION, RETENTION, AND RECRUITMENT FROM GENERAL REVENUE FUND FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND	6,952,500 4,475,000
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Funds in Specific Appropriation 2364 shall be allocated as follows:

From recurring General Revenue:
Enterprise Florida-Expansion, Retention & Recruitment.... 3,420,000

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Enterprise Florida-National Marketing.....	1,092,500
Enterprise Florida-Trade & Export Assistance.....	570,000
Enterprise Florida-Florida Trade and Exhibition Center....	300,000
Enterprise Florida-International: Representatives, Marketing, Research and Inward Investment.....	570,000
From nonrecurring General Revenue: Community Defense Grants.....	1,000,000
From recurring Trust Funds: Enterprise Florida-Trade & Export Assistance.....	2,000,000
Enterprise Florida-International: Representatives, Marketing, Research and Inward Investment.....	2,475,000

Funds in Specific Appropriation 2364 allocated for Community Defense Grants shall be awarded to assist Florida local governments in retaining hosted military bases through grants pursuant to s. 288.980(1), (2) and (3), F.S.

2365 LUMP SUM
COMMUNITIES WITH SPECIAL NEEDS/ECONOMIC OPPORTUNITIES

FROM GENERAL REVENUE FUND	3,695,572	
FROM ECONOMIC DEVELOPMENT TRUST FUND . . .		4,500,000
FROM BROWNFIELD PROPERTY OWNERSHIP CLEARANCE ASSISTANCE REVOLVING LOAN TRUST FUND		1,500,000

Funds in Specific Appropriation 2365 shall be allocated as follows:

From recurring General Revenue: Front Porch Florida-Operations.....	184,134
Office of Tourism, Trade, and Econ Dev-Rural Operations...	107,760
Black Business Investment Board.....	363,480
From nonrecurring General Revenue: Enterprise Florida-Special Needs Programs.....	745,198
Black Business Investment Board (BBIB)-Operations.....	95,000
BBIB and Statewide BBIC Capitalization Program.....	1,200,000
Front Porch Florida.....	970,000
Perrine Cutler-Ridge.....	30,000

From nonrecurring Trust Funds: Brownfields Property Revolving Loan Program.....	1,500,000
Rural Community Development - s. 288.065 & 288.018.....	2,900,000
Lake Apopka Area - s. 373.461(5)(f) & (g).....	1,000,000
Brownfields Redevelopment Bonus Refunds.....	600,000

Recurring funds in Specific Appropriation 2365 for the Black Business Investment Board reflect the creation of a not-for-profit corporation to administer black business investment programs. These recurring funds are contingent upon substantive legislation becoming law creating the not-for-profit corporation. In the event that such substantive legislation does not become law, the Executive Office of the Governor is authorized to restore positions and budget within the Executive Office of the Governor to administer black business investment programs.

2366 LUMP SUM
INDUSTRIES CRITICAL TO FLORIDA'S ECONOMIC BASE AND FUTURE GROWTH

FROM GENERAL REVENUE FUND	4,485,000	
FROM PROFESSIONAL SPORTS DEVELOPMENT TRUST FUND		2,500,000
FROM TOURISM PROMOTION TRUST FUND		21,600,000

Funds in Specific Appropriation 2366 shall be allocated as follows:

From recurring General Revenue: Film Commission-Operations.....	293,879
From nonrecurring General Revenue: Film Commission-Operations.....	306,121

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Sports Foundation-Sunshine State Games.....	450,000
Sports Foundation-Operations.....	85,000
Spaceport Florida Authority-Operations.....	700,000
Spaceport-Next Generation Launch Systems.....	750,000
Spaceport-Strategic Planning/Grants/Site Development.....	700,000
Spaceport-Florida Commercial Space Financing Corporation..	300,000
Spaceport-Florida Space Research Institute.....	800,000
Enterprise Florida-Space Programs Office for the Space Industry Committee.....	100,000
From recurring Trust Funds: Florida Sports Foundation.....	2,500,000
Tourism Commission / VISIT FLORIDA-Marketing.....	16,900,000
Tourism Commission / VISIT FLORIDA-Sales.....	3,500,000
Tourism Commission / VISIT FLORIDA-Visitor Services.....	1,200,000

For funds allocated to the Tourism Commission / VISIT FLORIDA, the Florida Commission on Tourism shall expend funds in accordance with the funding categories provided in Specific Appropriation 2366. The Commission may modify the funding category amounts following written notification to the Speaker of the House, the President of the Senate, and the Governor. The Commission shall measure the impact of its marketing, sales, and visitor services programs at least once each year and shall provide quarterly reports on its performance to the Speaker of the House, the President of the Senate, and the Governor. Each report shall include an estimate of the number of tourists and the financial impact of tourism activity, using industry-accepted methodologies to show the incremental economic impact of each program measured.

Funds in Specific Appropriation 2366 allocated to Enterprise Florida-Space Programs Office for the Space Industry Committee shall be utilized by Enterprise Florida to provide administrative and program support for the Space Industry Committee. Such funds may be used for the marketing, auditing, planning, and development initiatives of the Space Industry Committee.

2367 LUMP SUM
ECONOMIC DEVELOPMENT TOOLS

FROM GENERAL REVENUE FUND	29,175,000	
FROM ECONOMIC DEVELOPMENT TRUST FUND . . .		6,075,000

Funds in Specific Appropriation 2367 shall be allocated as follows:

From nonrecurring General Revenue: Qualified Targeted Industries-QTI.....	24,000,000
Qualified Defense Contractors-QDC.....	300,000
High Impact Performance Incentive-HIPI.....	3,375,000
Quick Action Closing.....	1,500,000

From nonrecurring Trust Funds: Qualified Targeted Industries-QTI Local Match.....	6,000,000
Qualified Defense Contractors-QDC Local Match.....	75,000

Funds in Specific Appropriation 2367 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.

2367A SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL ECONOMIC DEVELOPMENT INITIATIVES

FROM GENERAL REVENUE FUND	13,245,400
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Funds in Specific Appropriations 2367A, shall be allocated as follows:

Florida Services Export Program.....	400,000
Beaver Street Enterprise Center.....	200,000
Escambia County Commerce Park.....	1,500,000
Florida Hispanic Business Incubator.....	250,000
Florida Sports Hall of Fame and Museum of Florida Sports History.....	250,000
Industrial Site Development Preparation-Okeechobee.....	300,000

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Niceville-Valparaiso-Bay Area Chamber of Commerce.....	150,000
Plant City-International Softball Federation (ISF) Stadium.....	700,000
CDC Enterprise Zone.....	400,000
Sports, Health and Education Pavilion - Lake.....	900,000
Miami Metro Action Plan.....	250,000
Outreach Learning Center.....	200,000
Hispanic Business Development.....	300,000
Enterprise Zone Grant Program.....	1,000,000
Rail Enhancement, Task Force Study - Palm Beach.....	100,000
Technology Infrastructure Assessment - Leon.....	150,000
Vecinos en Accion - Dade.....	120,000
Virtual NET - Dade.....	200,000
Perrine Commercial Redevelopment Area.....	25,000
Women's Business Center - Pinellas.....	24,000
Futures Unlimited Immokalee Workforce Demonstration Project	75,000
Community High-technology Investment Partnership.....	250,000
Airport Industrial Park Upgrade - Calhoun.....	350,000
Network Infrastructure Upgrade - Lee.....	26,400
Car Control Clinic Pilot Program - Palm Beach, Broward, Miami-Dade.....	100,000
Airport Industrial Park West - St. Lucie.....	2,000,000
Sanford Airport Memorial.....	150,000
Commerce Park & Aviation Complex Infrastructure - Seminole.	750,000
Port Brownfield Assessment/Clean Up - Hillsborough.....	500,000
Florida Citrus Sports Association, Inc.....	200,000
Orange Bowl Committee, Inc.....	200,000
Outback Bowl.....	200,000
Toyota Gator Bowl.....	200,000
Sunshine Football Classic.....	200,000
LaBelle Airport Economic Development Project.....	100,000
Florida Empowerment Zone Act (Immokalee).....	225,000
FL Small Business Development Center Enhancement Initiative	100,000
Florida Manufacturing Technology Center.....	200,000

From funds in Specific Appropriation 2367A allocated to the Florida Services Export Program, Enterprise Florida, Inc. shall contract with the Greater Miami Chamber of Commerce for the operation and marketing of an online business center providing information about Florida service providers to international companies, and the promotion of Florida international services worldwide through a program of trade missions, seminars and workshops.

Funds in Specific Appropriation 2367A for the Enterprise Zone Grant Program, are provided to establish a grant program for court house construction and court house land acquisition for counties having a population of over 89,999. The Office of Tourism, Trade, and Economic Development shall establish grant criteria that include the following:

1. All court house construction and court house land acquisition activities must be within a designated enterprise zone.
2. State grant funding for court house land acquisition must have at least 25% local county cash matching funds.

The Office of Tourism, Trade, and Economic Development, in consultation with Chairs of the Senate Appropriations Committee and House Fiscal Responsibility Council shall determine the distribution of these funds to those counties that submit a request. Reports from those counties receiving such funds shall be submitted annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such reports shall document the total cost of the land purchased, certification that the property acquired is located in an enterprise zone, the total cost of court house construction, and the anticipated project completion date.

2368	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SPACE, DEFENSE, AND RURAL INFRASTRUCTURE FROM GENERAL REVENUE FUND	22,100,000
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SECTION 6
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APPROPRIATION

Funds in Specific Appropriation 2368 shall be allocated as follows:

Space Experiment Research and Processing Lab (SERPL).....	16,000,000
Defense Infrastructure.....	5,000,000
Rural Infrastructure - s. 288.0655, F.S.....	1,100,000

Funds in Specific Appropriation 2368 allocated to Defense Infrastructure may be awarded to enable Florida local governments hosting existing military bases to invest in infrastructure improvements critical for preserving these bases from closure in future Base Realignment and Closure (BRAC) rounds. It may also be used to enable Florida local governments to invest in infrastructure improvements critical in facilitating reuse of closed military bases.

From funds in Specific Appropriation 2368 for Defense Infrastructure, up to \$857,190 shall be provided to Miami-Dade County for completion of the water system at Homestead Air Reserve Base.

From funds in Specific Appropriation 2368 for Defense Infrastructure, \$2,500,000 shall be provided to promote access to defense facilities by four-laning State Road 123.

Funds in Specific Appropriation 2368 allocated to the Space Experiment Research and Processing Lab (SERPL) shall be administered by the Spaceport Florida Authority with the direct oversight of the Office of Tourism, Trade, and Economic Development (OTED). OTED shall utilize the construction management services of the Department of Management Services for construction of the facility. OTED shall consult with the National Aeronautics and Space Administration (NASA) and the Florida Commercial Space Financing Corporation during each phase of construction.

2369	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND	20,000,000
TOTAL: ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS		
FROM GENERAL REVENUE FUND	79,653,472	
FROM TRUST FUNDS		60,650,000
TOTAL ALL FUNDS		140,303,472

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2370	SALARIES AND BENEFITS	343
FROM GENERAL REVENUE FUND		4,248
FROM HIGHWAY SAFETY OPERATING TRUST FUND		12,518,775
FROM GRANTS AND DONATIONS TRUST FUND		94,016
FROM LAW ENFORCEMENT TRUST FUND		111,802

Funds in Specific Appropriations 2370 and 2377 include a reduction of 23 positions and \$569,191 from the Highway Safety Operating Trust Fund for the outsourcing of crash data entry function. The Executive Office of the Governor shall, pursuant to s. 216.177, F.S., restore the positions and budget authority for fiscal year 2001-2002 until such time as these functions are performed by a vendor under contract with the state.

2371	OTHER PERSONAL SERVICES FROM HIGHWAY SAFETY OPERATING TRUST FUND	96,785
FROM GRANTS AND DONATIONS TRUST FUND		53,333

2372	EXPENSES FROM HIGHWAY SAFETY OPERATING TRUST FUND	1,431,507
FROM GRANTS AND DONATIONS TRUST FUND		55,400
FROM LAW ENFORCEMENT TRUST FUND		7,516

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2373	OPERATING CAPITAL OUTLAY FROM HIGHWAY SAFETY OPERATING TRUST FUND	179,126	
	FROM GRANTS AND DONATIONS TRUST FUND	1,071,667	
2376	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND	36,694	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND	113,612	
2377	SPECIAL CATEGORIES PAYMENT TO OUTSIDE CONTRACTOR FROM HIGHWAY SAFETY OPERATING TRUST FUND	1,152,241	
2378	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM HIGHWAY SAFETY OPERATING TRUST FUND	140,112	
2378A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM HIGHWAY SAFETY OPERATING TRUST FUND	501	
2378B	DATA PROCESSING SERVICES KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES FROM GENERAL REVENUE FUND	304,270	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND	802,456	
	FROM LAW ENFORCEMENT TRUST FUND	3,742	
2379A	FIXED CAPITAL OUTLAY MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE FROM HIGHWAY SAFETY OPERATING TRUST FUND	100,000	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND	345,212	
	FROM TRUST FUNDS	17,932,591	
	TOTAL POSITIONS	343	
	TOTAL ALL FUNDS	18,277,803	

PROGRAM: FLORIDA HIGHWAY PATROL

From the funds in Specific Appropriations 2380 through 2411, the Florida Highway Patrol shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Florida death rate on patrolled highways per 100 million vehicle miles of travel.....	1.9
Alcohol-related death rate per 100 million vehicle miles of travel.....	0.64
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

HIGHWAY SAFETY

2380	SALARIES AND BENEFITS	POSITIONS	2,178
	FROM GENERAL REVENUE FUND		94,885,774
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		16,128,784
	FROM GAS TAX COLLECTION TRUST FUND		204,997
	FROM GRANTS AND DONATIONS TRUST FUND		344,506
	FROM LAW ENFORCEMENT TRUST FUND		925,406

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SPECIFIC APPROPRIATION			
2381	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	57,500	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		8,589,519
	FROM GRANTS AND DONATIONS TRUST FUND		66,750
	FROM LAW ENFORCEMENT TRUST FUND		380,000
2382	EXPENSES FROM GENERAL REVENUE FUND	2,815,161	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		5,013,034
	FROM GRANTS AND DONATIONS TRUST FUND		247,648
	FROM LAW ENFORCEMENT TRUST FUND		118,203
	FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		278,900
2383	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	216,331	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		826,571
	FROM GRANTS AND DONATIONS TRUST FUND		614,600
	FROM FEDERAL EQUITABLE SHARING/LAW ENFORCEMENT TRUST FUND		630,355
2384	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	4,916,810	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		2,145,029
2385	SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	2,914,319	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		3,657,598
	FROM GRANTS AND DONATIONS TRUST FUND		40,063
2385A	SPECIAL CATEGORIES AUXILLIARY UNIFORMS AND EQUIPMENT FROM HIGHWAY SAFETY OPERATING TRUST FUND		150,000
2386	SPECIAL CATEGORIES PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS FROM HIGHWAY PATROL INSURANCE TRUST FUND		152,000
2387	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	2,252,669	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		287,983
2388	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	1,101,056	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		574,476
	FROM GRANTS AND DONATIONS TRUST FUND		15,600
2389	SPECIAL CATEGORIES TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND		152,000
2389A	DATA PROCESSING SERVICES KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES FROM GENERAL REVENUE FUND	11,698	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND		1,175,975
2389B	FIXED CAPITAL OUTLAY MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE FROM HIGHWAY SAFETY OPERATING TRUST FUND		200,000
2389C	FIXED CAPITAL OUTLAY FLORIDA HIGHWAY PATROL - COMMUNICATION CENTER - TAMPA - DMS MGD FROM HIGHWAY SAFETY OPERATING TRUST FUND		635,738

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2389D	FIXED CAPITAL OUTLAY NEW FLORIDA HIGHWAY PATROL STATION - MARION COUNTY - DMS MGD FROM HIGHWAY SAFETY OPERATING TRUST FUND .	200,000	
2389E	FIXED CAPITAL OUTLAY NEW FLORIDA HIGHWAY PATROL STATION - LEE COUNTY - DMS MGD FROM HIGHWAY SAFETY OPERATING TRUST FUND .	140,000	
2389F	FIXED CAPITAL OUTLAY NEW FLORIDA HIGHWAY PATROL ACADEMY - GADSDEN COUNTY - DMS MGD FROM HIGHWAY SAFETY OPERATING TRUST FUND .	500,000	

Funds in Specific Appropriation 2389F, are to construct a training facility designed and constructed consistent with the plan developed to house all State training programs at the Pat Thomas Law Enforcement Academy for Region 15 and 16. Additionally, the Department is authorized to enter into agreements necessary to expedite the construction of the facility.

TOTAL:	HIGHWAY SAFETY FROM GENERAL REVENUE FUND	109,171,318	
	FROM TRUST FUNDS		44,395,735
	TOTAL POSITIONS	2,178	
	TOTAL ALL FUNDS		153,567,053

CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS

2390	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	59 2,966,465	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,051,008
2391	EXPENSES FROM GENERAL REVENUE FUND	193,547	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		261,572
2392	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	10,000	
2393	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	59,514	
2394	SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	35,000	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		15,000
2395	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	63,643	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		5,149
2396	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	62,829	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		17,884
TOTAL:	CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS FROM GENERAL REVENUE FUND	3,390,998	
	FROM TRUST FUNDS		1,350,613
	TOTAL POSITIONS	59	
	TOTAL ALL FUNDS		4,741,611

PUBLIC INFORMATION AND SAFETY EDUCATION

2397	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	19 1,083,230	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		81,653
	FROM GRANTS AND DONATIONS TRUST FUND . . .		182,102

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SPECIFIC APPROPRIATION			
2398	OTHER PERSONAL SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . .		32,000
2399	EXPENSES FROM GENERAL REVENUE FUND	46,898	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		149,190
	FROM GRANTS AND DONATIONS TRUST FUND . . .		493,000
2400	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	5,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		100,000
2401	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	19,838	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		95,000
2402	SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	5,000	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,500
2403	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	15,085	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		2,405
2404	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	34,990	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,112
TOTAL:	PUBLIC INFORMATION AND SAFETY EDUCATION FROM GENERAL REVENUE FUND	1,210,041	
	FROM TRUST FUNDS		1,138,962
	TOTAL POSITIONS	19	
	TOTAL ALL FUNDS		2,349,003
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2405	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	27 1,704,356	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		89,197
2406	EXPENSES FROM GENERAL REVENUE FUND	417,952	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		996
2407	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	10,000	
2408	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	19,838	
2409	SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	5,000	
2410	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	27,240	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND .		1,909
2411	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	20,000	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND	2,204,386	
	FROM TRUST FUNDS		92,102

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TOTAL POSITIONS	27	
TOTAL ALL FUNDS		2,296,488

PROGRAM: LICENSES, TITLES AND REGULATIONS

From the funds in Specific Appropriations 2412 through 2456A, the Licenses, Titles and Regulations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 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	475
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

LICENSING AUTOMOBILE DEALERS

2412 SALARIES AND BENEFITS	POSITIONS	8	
FROM HIGHWAY SAFETY OPERATING TRUST FUND			279,622
2413 EXPENSES			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			18,783
2414 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			6,724
2414A DATA PROCESSING SERVICES			
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			47,216
TOTAL: LICENSING AUTOMOBILE DEALERS			
FROM TRUST FUNDS			352,345
TOTAL POSITIONS	8		
TOTAL ALL FUNDS			352,345

COMPLIANCE AND ENFORCEMENT

2415 SALARIES AND BENEFITS	POSITIONS	136	
FROM HIGHWAY SAFETY OPERATING TRUST FUND			4,354,723
2416 OTHER PERSONAL SERVICES			
FROM GRANTS AND DONATIONS TRUST FUND			40,000
2417 EXPENSES			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			1,067,770
FROM GRANTS AND DONATIONS TRUST FUND			100,000
2418 OPERATING CAPITAL OUTLAY			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			10,000
FROM GRANTS AND DONATIONS TRUST FUND			60,000
2419 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			86,364

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TOTAL: COMPLIANCE AND ENFORCEMENT		
FROM TRUST FUNDS		5,718,857

TOTAL POSITIONS	136	
TOTAL ALL FUNDS		5,718,857

DRIVER LICENSURE

2420 SALARIES AND BENEFITS	POSITIONS	1,194	
FROM GENERAL REVENUE FUND			10,026,012
FROM HIGHWAY SAFETY OPERATING TRUST FUND			28,257,753

Funds in Specific Appropriations 2420 and 2422 include a reduction of 18 positions and \$592,108 from the Highway Safety Operating Trust Fund reflecting the closing of the driver license offices in Tarpon Springs and Brandon. This reduction includes lease amounts of \$44,027 for Brandon, Hillsborough County and \$46,130 for Tarpon Springs, Pinellas County. The Executive Office of the Governor shall, pursuant to s. 216.177, F.S., restore positions and budget authority until such time as the tax collectors in Hillsborough and Pinellas Counties can provide full driver license services in these counties.

2421 OTHER PERSONAL SERVICES			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			624,516
2422 EXPENSES			
FROM GENERAL REVENUE FUND		53,225	
FROM HIGHWAY SAFETY OPERATING TRUST FUND			7,987,014
2423 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		56,000	
FROM HIGHWAY SAFETY OPERATING TRUST FUND			52,500
2423A SPECIAL CATEGORIES			
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO STATE AGENCIES			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			220,000
2423B SPECIAL CATEGORIES			
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO NON-PROFIT AGY			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			400,000
2423C SPECIAL CATEGORIES			
AUTOMATED UNIFORM TRAFFIC ACCOUNTING SYSTEM			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			2,101,642
2424 SPECIAL CATEGORIES			
PAYMENT TO OUTSIDE CONTRACTOR			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			500,000

Funds in Specific Appropriation 2424 include \$300,000 for the payment of the \$3 Internet E-commerce service fee to the contractor rather than assessing an additional \$3 fee to customers renewing or changing the address on their driver license or renewing their vehicle registration.

2425 SPECIAL CATEGORIES			
PURCHASE OF DRIVER LICENSES			
FROM GENERAL REVENUE FUND		591,020	
FROM HIGHWAY SAFETY OPERATING TRUST FUND			2,225,149
2426 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			741,562
2426A DATA PROCESSING SERVICES			
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES			
FROM GENERAL REVENUE FUND		2,307,936	
FROM HIGHWAY SAFETY OPERATING TRUST FUND			8,647,404

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2426B	FIXED CAPITAL OUTLAY MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE FROM HIGHWAY SAFETY OPERATING TRUST FUND .	200,000	
2426C	FIXED CAPITAL OUTLAY NEW DRIVER LICENSE OFFICE - PALM BEACH GARDENS - DMS MGD FROM HIGHWAY SAFETY OPERATING TRUST FUND .	3,246,366	
Funds in Specific Appropriations 2426C and 2426D are contingent upon sufficient proceeds from the sale of the Palm Beach Gardens facility located at 3185 PGA Boulevard, Palm Beach Gardens and the Winter Park facility located at 940 West Canton Avenue, Winter Park, to cover the amounts appropriated for new facilities in these respective areas.			
2426D	FIXED CAPITAL OUTLAY NEW DRIVER LICENSES OFFICE - ORANGE COUNTY - DMS MGD FROM HIGHWAY SAFETY OPERATING TRUST FUND .	2,937,800	
TOTAL:	DRIVER LICENSURE FROM GENERAL REVENUE FUND FROM TRUST FUNDS	13,034,193	58,141,706
	TOTAL POSITIONS	1,194	71,175,899
	TOTAL ALL FUNDS		
MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE			
2427	SALARIES AND BENEFITS POSITIONS FROM HIGHWAY SAFETY OPERATING TRUST FUND .	57	1,673,886
2428	EXPENSES FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND .	2,379	412,779
2429	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM HIGHWAY SAFETY OPERATING TRUST FUND .		38,696
2429A	DATA PROCESSING SERVICES KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND .	61,687	688,663
TOTAL:	MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE FROM GENERAL REVENUE FUND FROM TRUST FUNDS	64,066	2,814,024
	TOTAL POSITIONS	57	2,878,090
	TOTAL ALL FUNDS		
IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS			
2430	SALARIES AND BENEFITS POSITIONS FROM HIGHWAY SAFETY OPERATING TRUST FUND . FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND	219	7,196,887
2431	OTHER PERSONAL SERVICES FROM HIGHWAY SAFETY OPERATING TRUST FUND . FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND		342,500
2432	EXPENSES FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND . FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND	31,477	691,799
			129,659
			308,575

2433	OPERATING CAPITAL OUTLAY FROM HIGHWAY SAFETY OPERATING TRUST FUND . FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND		10,000
			7,769
			85,075
2434	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM HIGHWAY SAFETY OPERATING TRUST FUND . FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		133,239
			5,051
2434A	DATA PROCESSING SERVICES KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES FROM GENERAL REVENUE FUND FROM HIGHWAY SAFETY OPERATING TRUST FUND .	195,647	649,120
TOTAL:	IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS FROM GENERAL REVENUE FUND FROM TRUST FUNDS	227,124	10,443,540
	TOTAL POSITIONS	219	10,670,664
	TOTAL ALL FUNDS		
MOBILE HOME COMPLIANCE AND ENFORCEMENT			
2435	SALARIES AND BENEFITS POSITIONS FROM HIGHWAY SAFETY OPERATING TRUST FUND .	38	1,364,456
2436	EXPENSES FROM HIGHWAY SAFETY OPERATING TRUST FUND .		152,890
2437	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM HIGHWAY SAFETY OPERATING TRUST FUND .		31,939
2437A	DATA PROCESSING SERVICES KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES FROM HIGHWAY SAFETY OPERATING TRUST FUND .		47,216
TOTAL:	MOBILE HOME COMPLIANCE AND ENFORCEMENT FROM TRUST FUNDS		1,596,501
	TOTAL POSITIONS	38	1,596,501
	TOTAL ALL FUNDS		
MOTOR CARRIER COMPLIANCE			
2438	SALARIES AND BENEFITS POSITIONS FROM HIGHWAY SAFETY OPERATING TRUST FUND . FROM GAS TAX COLLECTION TRUST FUND	84	399,591
			2,575,054
2439	OTHER PERSONAL SERVICES FROM GAS TAX COLLECTION TRUST FUND		11,438
2440	EXPENSES FROM HIGHWAY SAFETY OPERATING TRUST FUND . FROM GAS TAX COLLECTION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND		5,320
			498,626
			70,000
2441	OPERATING CAPITAL OUTLAY FROM GAS TAX COLLECTION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND		5,001
			20,000
2442	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM HIGHWAY SAFETY OPERATING TRUST FUND . FROM GAS TAX COLLECTION TRUST FUND		14,438
			56,165

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2442A 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	229,999	
TOTAL: MOTOR CARRIER COMPLIANCE		
FROM TRUST FUNDS	3,903,851	
TOTAL POSITIONS	84	
TOTAL ALL FUNDS	3,903,851	

VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES

From funds in Specific Appropriations 2443 through 2451A, \$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.

2443 SALARIES AND BENEFITS	POSITIONS	208	
FROM GENERAL REVENUE FUND		73,659	
FROM HIGHWAY SAFETY OPERATING TRUST FUND			6,564,326
2444 OTHER PERSONAL SERVICES			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			69,516
2445 EXPENSES			
FROM GENERAL REVENUE FUND	11,672		
FROM HIGHWAY SAFETY OPERATING TRUST FUND			2,396,332
2446 AID TO LOCAL GOVERNMENTS			
DISTRIBUTION TO SCHOOLS - MOBILE HOME			
DECAL REVENUE			
FROM LICENSE TAX COLLECTION TRUST FUND			10,500,000
2447 AID TO LOCAL GOVERNMENTS			
DISTRIBUTION TO COUNTIES - MOBILE HOME			
DECAL REVENUE			
FROM LICENSE TAX COLLECTION TRUST FUND			7,632,000
2448 AID TO LOCAL GOVERNMENTS			
DISTRIBUTION TO CITIES - MOBILE HOME DECAL			
REVENUE			
FROM LICENSE TAX COLLECTION TRUST FUND			3,368,000
2449 OPERATING CAPITAL OUTLAY			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			92,665
2449A SPECIAL CATEGORIES			
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF			
DRIVER LICENSE APPLICATIONS AND MOTOR			
VEHICLE REGISTRATIONS TO STATE AGENCIES			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			280,000
2449B SPECIAL CATEGORIES			
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS			
OF DRIVER LICENSE APPLICATIONS AND MOTOR			
VEHICLE REGISTRATIONS TO NON-PROFIT AGY			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			100,000
2450 SPECIAL CATEGORIES			
GRANTS AND AIDS - PURCHASE OF LICENSE			
PLATES			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			9,759,461
2451 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			239,545
2451A DATA PROCESSING SERVICES			
KIRKMAN DATA CENTER - DEPARTMENT OF			

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HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	314,665	
FROM HIGHWAY SAFETY OPERATING TRUST FUND		12,374,116
TOTAL: VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES		
FROM GENERAL REVENUE FUND	399,996	
FROM TRUST FUNDS		53,375,961
TOTAL POSITIONS	208	
TOTAL ALL FUNDS		53,775,957

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2452 SALARIES AND BENEFITS	POSITIONS	42	
FROM GENERAL REVENUE FUND		125,837	
FROM HIGHWAY SAFETY OPERATING TRUST FUND			2,144,352
2453 OTHER PERSONAL SERVICES			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			40,000
2454 EXPENSES			
FROM GENERAL REVENUE FUND	2,680		
FROM HIGHWAY SAFETY OPERATING TRUST FUND			177,144
2455 OPERATING CAPITAL OUTLAY			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			75,323
2456 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM HIGHWAY SAFETY OPERATING TRUST FUND			29,719
2456A 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			33,599
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND	142,134		
FROM TRUST FUNDS			2,500,137
TOTAL POSITIONS	42		
TOTAL ALL FUNDS			2,642,271

PROGRAM: KIRKMAN DATA CENTER

From the funds in Specific Appropriations 2457 through 2462, the Kirkman Data Center shall meet the following performance standards as required by the Government Accountability Act of 1994:

Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

Percent of customers who rate services as satisfactory or	
better as measured by survey.....80%	
=====	=====
Additional approved performance measures and standards are	
established in the FY 2001-2002 Implementing Bill and are	
incorporated herein by reference.	
=====	=====

INFORMATION TECHNOLOGY

2457 SALARIES AND BENEFITS	POSITIONS	189	
FROM WORKING CAPITAL TRUST FUND			8,232,796
2458 OTHER PERSONAL SERVICES			
FROM WORKING CAPITAL TRUST FUND			271,208

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2459	EXPENSES	
	FROM WORKING CAPITAL TRUST FUND	8,516,369
2460	OPERATING CAPITAL OUTLAY	
	FROM WORKING CAPITAL TRUST FUND	2,796,237
2461	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM WORKING CAPITAL TRUST FUND	43,608
2462	SPECIAL CATEGORIES	
	TAX COLLECTOR NETWORK - COUNTY SYSTEMS	
	FROM WORKING CAPITAL TRUST FUND	8,903,570
TOTAL: INFORMATION TECHNOLOGY		
	FROM TRUST FUNDS	28,763,788
	TOTAL POSITIONS	189
	TOTAL ALL FUNDS	28,763,788
INSURANCE, DEPARTMENT OF, AND TREASURER		
PROGRAM: OFFICE OF THE TREASURER AND ADMINISTRATION		
EXECUTIVE DIRECTION AND SUPPORT SERVICES		
<p>From the funds in Specific Appropriations 2463, 2464 and 2465, the State Treasurer is authorized to develop a plan to establish, abolish, or consolidate bureaus, sections, and subsections to reallocate duties and functions in order to promote effective and efficient operation of budget entities within the Department of Insurance. The Treasurer shall submit the plan to the Legislative Budget Commission for approval no later than December 31, 2001. Any reorganization approval by the Legislative Budget Commission shall be implemented pursuant to the provisions of Chapter 216, Florida Statutes.</p>		
2463	SALARIES AND BENEFITS POSITIONS	146
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	6,957,514
2464	OTHER PERSONAL SERVICES	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	463,081
2465	EXPENSES	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	1,532,492
2466	OPERATING CAPITAL OUTLAY	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	19,700
2467	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	124,808
2468	SPECIAL CATEGORIES	
	SALARY INCENTIVE PAYMENTS	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	2,400
2468A	DATA PROCESSING SERVICES	
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	7,783
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM TRUST FUNDS	9,107,778

SECTION 6		
SPECIFIC		
APPROPRIATION		
	TOTAL POSITIONS	146
	TOTAL ALL FUNDS	9,107,778
LEGAL SERVICES		
2470	SALARIES AND BENEFITS POSITIONS	76
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	3,906,666
2471	OTHER PERSONAL SERVICES	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	298,235
2472	EXPENSES	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	957,931
2473	OPERATING CAPITAL OUTLAY	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	4,200
2474	SPECIAL CATEGORIES	
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	375,656
2475	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	20,925
TOTAL: LEGAL SERVICES		
	FROM TRUST FUNDS	5,563,613
	TOTAL POSITIONS	76
	TOTAL ALL FUNDS	5,563,613
INFORMATION TECHNOLOGY		
2476	SALARIES AND BENEFITS POSITIONS	68
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	3,471,960
2477	OTHER PERSONAL SERVICES	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	5,617,418
2478	EXPENSES	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	3,765,910
2479	OPERATING CAPITAL OUTLAY	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	911,152
2480	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	6,158
2481	DATA PROCESSING SERVICES	
	OTHER DATA PROCESSING SERVICES	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	252,000
TOTAL: INFORMATION TECHNOLOGY		
	FROM TRUST FUNDS	14,024,598
	TOTAL POSITIONS	68
	TOTAL ALL FUNDS	14,024,598

SECTION 6
SPECIFIC
APPROPRIATION
PROGRAM: TREASURY

From the funds in Specific Appropriation 2482 through 2491 the Treasury Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
11. Ratio of net rate of return to established national benchmarks:	
a. Internal liquidity investments.....	1.0
b. Internal bridge investment.....	1.0
c. External investment program bridge portfolio.....	1.0
d. Medium term portfolio.....	1.0
12. Maximum administrative unit cost per \$100,000 of securities placed for deposit security service purposes.....	\$26

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

DEPOSIT SECURITY SERVICE

2482 SALARIES AND BENEFITS FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND	POSITIONS	38	
			1,684,937
2483 OTHER PERSONAL SERVICES FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND			30,000
2484 EXPENSES FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND			425,854
2485 OPERATING CAPITAL OUTLAY FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND			3,640
2486 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND			8,603
TOTAL: DEPOSIT SECURITY SERVICE FROM TRUST FUNDS			2,153,034
	TOTAL POSITIONS	38	
	TOTAL ALL FUNDS		2,153,034

STATE FUNDS MANAGEMENT AND INVESTMENT

2487 SALARIES AND BENEFITS FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND	POSITIONS	29	
			1,228,554
2488 EXPENSES FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND			1,315,975
TOTAL: STATE FUNDS MANAGEMENT AND INVESTMENT FROM TRUST FUNDS			2,544,529
	TOTAL POSITIONS	29	
	TOTAL ALL FUNDS		2,544,529

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SPECIFIC
APPROPRIATION
SUPPLEMENTAL RETIREMENT PLAN

2489 SALARIES AND BENEFITS FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND	POSITIONS	10	
			349,157
2490 OTHER PERSONAL SERVICES FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND			9,000
2491 EXPENSES FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND			132,987
TOTAL: SUPPLEMENTAL RETIREMENT PLAN FROM TRUST FUNDS			491,144
	TOTAL POSITIONS	10	
	TOTAL ALL FUNDS		491,144

PROGRAM: STATE FIRE MARSHAL

From the funds in Specific Appropriations 2492 through 2518A, the Fire Marshal Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
11. Percent of closed fire investigations successfully concluded, including by cause determined, suspect identified and/or arrested or other reasons.....	82%
12. Percent of closed arson investigations for which an arrest was made - Florida.....	22%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

COMPLIANCE AND ENFORCEMENT

2492 SALARIES AND BENEFITS FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND	POSITIONS	65	
			2,905,595
2493 OTHER PERSONAL SERVICES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND			31,700
2494 EXPENSES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND			527,576
2495 OPERATING CAPITAL OUTLAY FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND			10,000
2496 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND			96,000
2497 SPECIAL CATEGORIES SUPPLEMENTAL FIREFIGHTERS COMPENSATION FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND			8,000
TOTAL: COMPLIANCE AND ENFORCEMENT FROM TRUST FUNDS			3,578,871

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SPECIFIC		
APPROPRIATION		
TOTAL POSITIONS	65	
TOTAL ALL FUNDS		3,578,871
FIRE AND ARSON INVESTIGATIONS		
2498 SALARIES AND BENEFITS POSITIONS	151	
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		7,212,890
2499 OTHER PERSONAL SERVICES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		43,000
2500 EXPENSES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		1,636,470
2501 OPERATING CAPITAL OUTLAY		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		50,000
2502 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		330,330
2503 SPECIAL CATEGORIES		
ON-CALL FEES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		250,000
2504 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		144,174
2505 SPECIAL CATEGORIES		
SUPPLEMENTAL FIREFIGHTERS COMPENSATION		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		5,000
TOTAL: FIRE AND ARSON INVESTIGATIONS		
FROM TRUST FUNDS		9,671,864
TOTAL POSITIONS	151	
TOTAL ALL FUNDS		9,671,864
PROFESSIONAL TRAINING AND STANDARDS		
2506 SALARIES AND BENEFITS POSITIONS	35	
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		1,377,151
2507 OTHER PERSONAL SERVICES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		290,630
2508 EXPENSES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		710,232
2509 OPERATING CAPITAL OUTLAY		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		25,000
2510 SPECIAL CATEGORIES		
SUPPLEMENTAL FIREFIGHTERS COMPENSATION		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		17,500
2511 FIXED CAPITAL OUTLAY		
FACILITIES REPAIRS AND MAINTENANCE		

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SPECIFIC		
APPROPRIATION		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		42,982
TOTAL: PROFESSIONAL TRAINING AND STANDARDS		
FROM TRUST FUNDS		2,463,495
TOTAL POSITIONS	35	
TOTAL ALL FUNDS		2,463,495
FIRE MARSHAL ADMINISTRATION AND SUPPORT SERVICES		
2512 SALARIES AND BENEFITS POSITIONS	18	
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		917,791
2513 OTHER PERSONAL SERVICES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		20,831
2514 EXPENSES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		620,193
2515 OPERATING CAPITAL OUTLAY		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		212,000
2516 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		26,000
2517 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		129,633
2518 SPECIAL CATEGORIES		
SUPPLEMENTAL FIREFIGHTERS COMPENSATION		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		7,500
2518A FIXED CAPITAL OUTLAY		
FACILITIES REPAIRS AND MAINTENANCE		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		17,008
TOTAL: FIRE MARSHAL ADMINISTRATION AND SUPPORT SERVICES		
FROM TRUST FUNDS		1,950,956
TOTAL POSITIONS	18	
TOTAL ALL FUNDS		1,950,956

PROGRAM: RISK MANAGEMENT

From the funds in Specific Appropriations 2519 through 2524, the Risk Management Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. State employees' workers compensation benefit cost rate (indemnity and medical costs per \$100 of state employees' payroll).....	\$1.16
2. Number/percent of liability claims closed in relation to claims worked during the fiscal year	3,663/51%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

SECTION 6			
SPECIFIC			
APPROPRIATION			
STATE SELF-INSURED CLAIMS ADJUSTMENT			
2519	SALARIES AND BENEFITS	POSITIONS	105
	FROM FLORIDA CASUALTY INSURANCE RISK		
	MANAGEMENT TRUST FUND		4,169,004
2520	OTHER PERSONAL SERVICES		
	FROM FLORIDA CASUALTY INSURANCE RISK		
	MANAGEMENT TRUST FUND		330,000
2521	EXPENSES		
	FROM FLORIDA CASUALTY INSURANCE RISK		
	MANAGEMENT TRUST FUND		880,162
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		100,000
2522	OPERATING CAPITAL OUTLAY		
	FROM FLORIDA CASUALTY INSURANCE RISK		
	MANAGEMENT TRUST FUND		3,000
2523	SPECIAL CATEGORIES		
	EXCESS INSURANCE AND CLAIM SERVICE		
	FROM FLORIDA CASUALTY INSURANCE RISK		
	MANAGEMENT TRUST FUND		6,724,400
2524	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FLORIDA CASUALTY INSURANCE RISK		
	MANAGEMENT TRUST FUND		14,232
TOTAL: STATE SELF-INSURED CLAIMS ADJUSTMENT			
	FROM TRUST FUNDS		12,220,798
	TOTAL POSITIONS	105	
	TOTAL ALL FUNDS		12,220,798

PROGRAM: INSURANCE REGULATION AND CONSUMER PROTECTION

From the funds in Specific Appropriations 2525 through 2550 the Insurance Regulation and Consumer Protection Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of arrests for insurance fraud resulting in trial or non-trial conviction.....	65%
2. Maximum percent of insurance representatives requiring discipline or oversight.....	11.47%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

INSURANCE COMPANY LICENSURE AND OVERSIGHT			
2525	SALARIES AND BENEFITS	POSITIONS	306
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		15,124,334
2526	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		2,343,083
2527	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		3,268,650

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APPROPRIATION			
2528	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		3,120
2529	SPECIAL CATEGORIES		
	HOLOCAUST VICTIMS ASSISTANCE		
	ADMINISTRATION		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		500,000
2530	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		148,839
TOTAL: INSURANCE COMPANY LICENSURE AND OVERSIGHT			
	FROM TRUST FUNDS		21,388,026
	TOTAL POSITIONS	306	
	TOTAL ALL FUNDS		21,388,026
INSURANCE REPRESENTATIVE LICENSURE, SALES APPOINTMENTS AND OVERSIGHT			
2531	SALARIES AND BENEFITS	POSITIONS	71
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		2,475,556
2532	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		3,902,300
2533	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		879,900
2534	AID TO LOCAL GOVERNMENTS		
	INSURANCE LICENSE TAX TO COUNTIES		
	FROM AGENTS AND SOLICITORS COUNTY		
	LICENSE TAX TRUST FUND		4,000,000
2535	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		6,200
2536	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		72,591
TOTAL: INSURANCE REPRESENTATIVE LICENSURE, SALES APPOINTMENTS AND OVERSIGHT			
	FROM TRUST FUNDS		11,336,547
	TOTAL POSITIONS	71	
	TOTAL ALL FUNDS		11,336,547

COMPLIANCE AND ENFORCEMENT			
2537	SALARIES AND BENEFITS	POSITIONS	256
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		11,813,849
2538	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		175,000
2539	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY		
	TRUST FUND		2,373,266

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2550H DATA PROCESSING SERVICES	
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY	
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND	42,063
TOTAL: PROGRAM: WORKERS' COMPENSATION APPEALS	
FROM TRUST FUNDS	14,595,368
TOTAL POSITIONS	179
TOTAL ALL FUNDS	14,595,368

PROGRAM: WORKERS' COMPENSATION

From the funds provided in Specific Appropriations 2550I through 2550P, the Workers' Compensation Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 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 FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2550I SALARIES AND BENEFITS	POSITIONS	574
FROM WORKERS' COMPENSATION		
ADMINISTRATION TRUST FUND		21,947,692
FROM WORKERS' COMPENSATION SPECIAL		
DISABILITY TRUST FUND		1,288,366

The funds in Specific Appropriations 2550I through 2550M represent a reduction of 35 positions and \$2,025,562 in the Workers' Compensation Program in the areas of proof of coverage submission, insolvency petition filings, request for assistance and petition for benefit process. This reduction is contingent upon substantive legislation becoming law. In the event such substantive legislation does not become law, and no other legislation reduces these positions, the Executive Office of the Governor is authorized to restore the positions and budget, pursuant to s. 216.177, F.S., to the Workers' Compensation Program.

2550J OTHER PERSONAL SERVICES	
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND	5,392,754
FROM WORKERS' COMPENSATION SPECIAL	
DISABILITY TRUST FUND	1,000,000
2550K EXPENSES	
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND	6,768,257
FROM WORKERS' COMPENSATION SPECIAL	
DISABILITY TRUST FUND	670,770
2550L OPERATING CAPITAL OUTLAY	
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND	696,453
FROM WORKERS' COMPENSATION SPECIAL	
DISABILITY TRUST FUND	100,000
2550M SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	

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FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND	316,352
2550N SPECIAL CATEGORIES	
TRANSFER TO HEALTH CARE AGENCY	
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND	645,408
2550O SPECIAL CATEGORIES	
TRANSFER TO THE DEPARTMENT OF INSURANCE	
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND	2,738,394

2550P DATA PROCESSING SERVICES	
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY	
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND	2,173,780
FROM WORKERS' COMPENSATION SPECIAL	
DISABILITY TRUST FUND	42

TOTAL: PROGRAM: WORKERS' COMPENSATION

FROM TRUST FUNDS		43,738,268
TOTAL POSITIONS	574	
TOTAL ALL FUNDS		43,738,268

PROGRAM: UNEMPLOYMENT APPEALS COMMISSION

From the funds in Specific Appropriations 2550Q through 2550T, the Unemployment Appeals Commission Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 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 2001-2002 Implementing Bill and are incorporated herein by reference.	

2550Q SALARIES AND BENEFITS	POSITIONS	28
FROM ADMINISTRATIVE TRUST FUND		1,726,537
2550R OTHER PERSONAL SERVICES		
FROM ADMINISTRATIVE TRUST FUND		58,400
2550S EXPENSES		
FROM ADMINISTRATIVE TRUST FUND		358,821
2550T SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM ADMINISTRATIVE TRUST FUND		3,144
TOTAL: PROGRAM: UNEMPLOYMENT APPEALS COMMISSION		
FROM TRUST FUNDS		2,146,902
TOTAL POSITIONS	28	
TOTAL ALL FUNDS		2,146,902

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APPROPRIATION

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES

2550U	SALARIES AND BENEFITS	POSITIONS	6	
	FROM ADMINISTRATIVE TRUST FUND			255,198
	FROM CREW CHIEF REGISTRATION TRUST FUND			118,216

The funds in Specific Appropriations 2550U through 2550W reflect a reduction of 82 positions and \$4,356,751 from the Administrative Trust Fund. If substantive legislation does not become law which eliminates the Department of Labor and Employment Security, the Executive Office of the Governor may restore up to 26 positions and \$2,371,475 in corresponding budget authority, pursuant to s. 216.177, F.S., within the Department of Labor and Employment Security. If substantive legislation does become law which abolishes the Department of Labor and Employment Security, the Executive Office of the Governor may restore positions and budget authority as necessary pursuant to s. 216.177 F.S., within the Department of Labor and Employment Security to administer the program during the transition period.

2550V	EXPENSES			
	FROM ADMINISTRATIVE TRUST FUND			41,876
	FROM CREW CHIEF REGISTRATION TRUST FUND			8,000

2550W	OPERATING CAPITAL OUTLAY			
	FROM ADMINISTRATIVE TRUST FUND			16,868

TOTAL:	PROGRAM: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM TRUST FUNDS			440,158
	TOTAL POSITIONS	6		
	TOTAL ALL FUNDS			440,158

PROGRAM: INFORMATION TECHNOLOGY

From the funds in Specific Appropriations 2550X through 2550AB, 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 2001-2002 Standards
OUTCOMES:	
Maintain the percent of scheduled information technology production jobs completed at 99% or more.....	99.9%
Percent of Information Management Center's data processing request completed by due date.....	95.5%

2550X	SALARIES AND BENEFITS	POSITIONS	140	
	FROM GENERAL REVENUE FUND		2,544	
	FROM WORKING CAPITAL TRUST FUND			6,717,463

2550Y	OTHER PERSONAL SERVICES			
	FROM WORKING CAPITAL TRUST FUND			200,000

2550Z	EXPENSES			
	FROM WORKING CAPITAL TRUST FUND			7,495,934

2550AA	OPERATING CAPITAL OUTLAY			
	FROM WORKING CAPITAL TRUST FUND			279,058

2550AB	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM WORKING CAPITAL TRUST FUND			12,557

TOTAL:	PROGRAM: INFORMATION TECHNOLOGY			
	FROM GENERAL REVENUE FUND		2,544	
	FROM TRUST FUNDS			14,705,012

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TOTAL POSITIONS	140	
TOTAL ALL FUNDS		14,707,556

PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION

From the funds in Specific Appropriations 2550AC through 2550AH, 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 2001-2002 Standards
OUTCOMES:	
Percent of timely labor dispositions.....	99%
Percent of timely employment dispositions.....	99%
Additional approved performance measures and standards are established in the FY 2000-2001 Implementing Bill and are incorporated herein by reference.	

2550AC	SALARIES AND BENEFITS	POSITIONS	39	
	FROM GENERAL REVENUE FUND			2,611,873

2550AD	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND			134,640
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND			5,000

2550AE	EXPENSES			
	FROM GENERAL REVENUE FUND			549,088
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND			48,648

2550AF	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND			13,120

2550AG	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND			9,432

2550AH	DATA PROCESSING SERVICES			
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY			
	FROM GENERAL REVENUE FUND			6,377

TOTAL:	PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION			
	FROM GENERAL REVENUE FUND		3,324,530	
	FROM TRUST FUNDS			53,648

TOTAL POSITIONS	39	
TOTAL ALL FUNDS		3,378,178

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 2551 and 2552 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

SENATE

2551	LUMP SUM			
	SENATE			
	FROM GENERAL REVENUE FUND			36,002,148

SECTION 6		
SPECIFIC		
APPROPRIATION		
HOUSE OF REPRESENTATIVES		
2552	LUMP SUM HOUSE FROM GENERAL REVENUE FUND	56,119,925
LEGISLATIVE SUPPORT SERVICES		
2553	LUMP SUM LEGISLATIVE SUPPORT SERVICES FROM GENERAL REVENUE FUND FROM LEGISLATIVE LOBBYIST REGISTRATION TRUST FUND	28,406,751 223,918
2554	LUMP SUM LEGISLATURE - ADMINISTERED FUNDS FROM GRANTS AND DONATIONS TRUST FUND . . .	6,741
2555	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	298,658
2555A	SPECIAL CATEGORIES FEFP REVIEW TASK FORCE FROM GENERAL REVENUE FUND	500,000
2555B	SPECIAL CATEGORIES STATE TAX REFORM TASK FORCE FROM GENERAL REVENUE FUND	500,000
2556	SPECIAL CATEGORIES REVIEW OF PROPOSED MANDATED HEALTH COVERAGES FROM GRANTS AND DONATIONS TRUST FUND . . .	200,000
TOTAL:	LEGISLATIVE SUPPORT SERVICES FROM GENERAL REVENUE FUND FROM TRUST FUNDS	29,705,409 430,659
	TOTAL ALL FUNDS	30,136,068
ADMINISTRATIVE PROCEDURES COMMITTEE		
2557	LUMP SUM ADMINISTRATIVE PROCEDURES FROM GENERAL REVENUE FUND	1,331,717
INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE ON		
2558	LUMP SUM LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL RELATIONS FROM GENERAL REVENUE FUND	748,239
TECHNOLOGY REVIEW WORKGROUP		
2559	LUMP SUM TECHNOLOGY REVIEW WORKGROUP FROM GRANTS AND DONATIONS TRUST FUND . . .	675,707
2560	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 2560.		
2561	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GRANTS AND DONATIONS TRUST FUND . . .	2,030

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TOTAL: TECHNOLOGY REVIEW WORKGROUP		
	FROM TRUST FUNDS	1,237,737
	TOTAL ALL FUNDS	1,237,737
OFFICE OF PUBLIC COUNSEL		
2562	LUMP SUM PUBLIC COUNSEL FROM GENERAL REVENUE FUND	2,597,243
ETHICS, COMMISSION ON		
2563	LUMP SUM LOBBY REGISTRATION FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND	106,178
2564	LUMP SUM ETHICS COMMISSION FROM GENERAL REVENUE FUND	1,914,270
\$100,000 is provided in Specific Appropriation 2564 for the development of an internet based interactive course in ethics, public records and public meetings for elected officials.		
2565	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND	43,089
TOTAL:	ETHICS, COMMISSION ON FROM GENERAL REVENUE FUND FROM TRUST FUNDS	1,957,359 106,178
	TOTAL ALL FUNDS	2,063,537
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS		
2566	EXPENSES FROM GENERAL REVENUE FUND	70,910
PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF		
2567	LUMP SUM PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY FROM GENERAL REVENUE FUND	6,995,390
2568	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	5,123
TOTAL:	PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF FROM GENERAL REVENUE FUND	7,000,513
	TOTAL ALL FUNDS	7,000,513
AUDITOR GENERAL		
2569	LUMP SUM AUDITOR GENERAL FROM GENERAL REVENUE FUND	34,370,521
2570	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	105,869

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TOTAL: AUDITOR GENERAL
FROM GENERAL REVENUE FUND 34,476,390

TOTAL ALL FUNDS 34,476,390

AUDITING COMMITTEE

2571 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 319,527

2572 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 369

TOTAL: AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 319,896

TOTAL ALL FUNDS 319,896

LOTTERY, DEPARTMENT OF THE

PROGRAM: LOTTERY OPERATIONS

From the funds in Specific Appropriations 2573 through 2579C, 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 2001-2002 Standards
1. Total dollars transferred to the Educational Enhancement Trust Fund	\$898.2 million
2. Operating expense as percent of total revenue	11.31%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2573 SALARIES AND BENEFITS POSITIONS 513
FROM ADMINISTRATIVE TRUST FUND 24,273,533

2574 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,073,296

2575 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 13,213,725

From the funds in Specific Appropriation 2575, the Secretary of the Department of Lottery, at the Secretary's discretion, is authorized to conduct a lottery game show to increase public interest and participation in the Florida Lottery. Selection of the vendor to produce a game show shall be in a manner that ensures competitive pricing for an appropriate level of service, provides for new game show equipment and sets, and best enhances the mission and goals of the Florida Lottery.

2576 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,150,000

2577 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 200,000

2577A SPECIAL CATEGORIES
1-900 WINNING NUMBERS LINE LAWSUIT SETTLEMENT
FROM ADMINISTRATIVE TRUST FUND 850,000

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2578 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 13,303

2578A SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 16,277,813

The Department is authorized to submit budget amendments in accordance with Chapter 216, F.S., to increase Specific Appropriation 2578A in the event instant-ticket sales are greater than the projected sales used to calculate the amount appropriated.

2578B SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 34,994,453

From the funds in Specific Appropriation 2578B, the Department of Lottery is authorized to utilize up to \$1,300,000 for the purpose of contracting with an established Florida problem gambling organization for a Compulsive Gambling Program.

2578C SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 31,545,312

The Department is authorized to submit budget amendments in accordance with Chapter 216, F.S., to increase Specific Appropriation 2578C in the event on-line sales are greater than the projected sales used to calculate the amount appropriated.

2578D SPECIAL CATEGORIES
LOTTERY INSTANT TICKET VENDING MACHINES
FROM ADMINISTRATIVE TRUST FUND 2,940,000

From the funds in Specific Appropriation 2578D, \$2.9 million shall be used to fund an extension of the current instant ticket vending machine contract for the 2001-2002 fiscal year, and to study the financial impact of the instant ticket vending machine program. The results of the study shall be presented to the presiding officers of both houses of the Legislature and to the Chairs of the relevant legislative committees no later than the 10th day of the 2002 legislative session.

2578E SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM ADMINISTRATIVE TRUST FUND 2,500,000

2579 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 410,100

2579A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 23,400

2579B SPECIAL CATEGORIES
TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 20,000,000

2579C DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 2,681

TOTAL: PROGRAM: LOTTERY OPERATIONS
FROM TRUST FUNDS 149,467,616

TOTAL POSITIONS 513

TOTAL ALL FUNDS 149,467,616

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MANAGEMENT SERVICES, DEPARTMENT OF			
PROGRAM: ADMINISTRATION PROGRAM			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2581	SALARIES AND BENEFITS	POSITIONS	110
	FROM ADMINISTRATIVE TRUST FUND		5,541,451
2582	OTHER PERSONAL SERVICES		8,700
	FROM ADMINISTRATIVE TRUST FUND		
2583	EXPENSES		367,729
	FROM GENERAL REVENUE FUND		676,879
	FROM ADMINISTRATIVE TRUST FUND		
2584	OPERATING CAPITAL OUTLAY		71,240
	FROM ADMINISTRATIVE TRUST FUND		
2585	SPECIAL CATEGORIES		26,998
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		
2586	SPECIAL CATEGORIES		10,313
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND		
2586A	DATA PROCESSING SERVICES		67,930
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		367,729
	FROM GENERAL REVENUE FUND		6,403,511
	FROM TRUST FUNDS		
	TOTAL POSITIONS	110	6,771,240
	TOTAL ALL FUNDS		
STATE EMPLOYEE LEASING			
2588	SALARIES AND BENEFITS	POSITIONS	9
	FROM ADMINISTRATIVE TRUST FUND		635,631
PROGRAM: SMART (SOUNDLY MADE, ACCOUNTABLE, REASONABLE, THRIFTY), SCHOOLS CLEARINGHOUSE			
2589	SALARIES AND BENEFITS	POSITIONS	2
	FROM GENERAL REVENUE FUND		208,773
2590	OTHER PERSONAL SERVICES		58,585
	FROM GENERAL REVENUE FUND		
2591	EXPENSES		109,743
	FROM GENERAL REVENUE FUND		
2592	SPECIAL CATEGORIES		151,247
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		
2593	SPECIAL CATEGORIES		285
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		
2593A	DATA PROCESSING SERVICES		64,096
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND		
TOTAL:	PROGRAM: SMART (SOUNDLY MADE, ACCOUNTABLE, REASONABLE, THRIFTY), SCHOOLS CLEARINGHOUSE		592,729
	FROM GENERAL REVENUE FUND		

SECTION 6			
SPECIFIC APPROPRIATION			
TOTAL POSITIONS 2			
TOTAL ALL FUNDS 592,729			
PROGRAM: FACILITIES PROGRAM			
From funds in Specific Appropriations 2595 through 2622A, the Facilities Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:			
=====			
	Performance		FY 2001-2002
	Measures - Outcomes		Standards
	-----		-----
	1. Gross square foot construction cost of office		
	facilities: DMS	\$89.82	
	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.....	\$5.32	
=====			
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.			
FACILITIES MANAGEMENT			
From funds in Specific Appropriations 2595 and 2597, the department may submit a budget amendment requesting positions in excess should renegotiations for private sector maintenance and grounds keeping services result in a contract that is not cost effective to the state.			
2595	SALARIES AND BENEFITS	POSITIONS	373
	FROM GENERAL REVENUE FUND		214,280
	FROM SUPERVISION TRUST FUND		12,434,894
2596	OTHER PERSONAL SERVICES		7,000
	FROM GENERAL REVENUE FUND		50,000
	FROM SUPERVISION TRUST FUND		
2597	EXPENSES		112,968
	FROM GENERAL REVENUE FUND		12,160,241
	FROM SUPERVISION TRUST FUND		
2598	OPERATING CAPITAL OUTLAY		10,000
	FROM GENERAL REVENUE FUND		141,000
	FROM SUPERVISION TRUST FUND		
2599	SPECIAL CATEGORIES		5,270
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		415,115
	FROM SUPERVISION TRUST FUND		
2600	SPECIAL CATEGORIES		12,000
	STATE UTILITY PAYMENTS		
	FROM GENERAL REVENUE FUND		14,212,461
	FROM SUPERVISION TRUST FUND		
2600A	DATA PROCESSING SERVICES		72,452
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM SUPERVISION TRUST FUND		
2603	FIXED CAPITAL OUTLAY		200,000
	COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT		
	FROM SUPERVISION TRUST FUND		
2604	FIXED CAPITAL OUTLAY		458,666
	INTERIOR REPAIRS AND MAINTENANCE OF POOL FACILITIES - LEASED SPACE		
	FROM SUPERVISION TRUST FUND		

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2605	FIXED CAPITAL OUTLAY CABINET MEETING ROOM RENOVATIONS - DMS MGD FROM SUPERVISION TRUST FUND
	565,376
2606	FIXED CAPITAL OUTLAY ENVIRONMENTAL PROJECTS - DMS MGD FROM SUPERVISION TRUST FUND
	200,000
2607	FIXED CAPITAL OUTLAY STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD FROM SUPERVISION TRUST FUND
	4,483,982
2608	FIXED CAPITAL OUTLAY DEBT SERVICE FROM GENERAL REVENUE FUND
	1,794,767
	FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND
	30,984,349
TOTAL:	FACILITIES MANAGEMENT FROM GENERAL REVENUE FUND
	2,156,285
	FROM TRUST FUNDS
	76,378,536
	TOTAL POSITIONS
	373
	TOTAL ALL FUNDS
	78,534,821

BUILDING CONSTRUCTION

2609	SALARIES AND BENEFITS POSITIONS 38 FROM ARCHITECTS INCIDENTAL TRUST FUND . .
	2,223,752
2610	OTHER PERSONAL SERVICES FROM ARCHITECTS INCIDENTAL TRUST FUND . .
	5,000
2611	EXPENSES FROM ARCHITECTS INCIDENTAL TRUST FUND . .
	496,442
2613	SPECIAL CATEGORIES CONTRACTED SERVICES FROM ARCHITECTS INCIDENTAL TRUST FUND . .
	141,300
2614	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ARCHITECTS INCIDENTAL TRUST FUND . .
	4,901
2614A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM ARCHITECTS INCIDENTAL TRUST FUND . .
	33,951

Funds in Specific Appropriations 2609 through 2614A 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 2001-2002 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.

2616	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
	4,405,346
	TOTAL POSITIONS
	38
	TOTAL ALL FUNDS
	4,405,346

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FLORIDA CAPITOL POLICE	
2617	SALARIES AND BENEFITS POSITIONS 142 FROM SUPERVISION TRUST FUND
	4,891,306
2618	OTHER PERSONAL SERVICES FROM SUPERVISION TRUST FUND
	15,000
2619	EXPENSES FROM SUPERVISION TRUST FUND
	750,861
2620	OPERATING CAPITAL OUTLAY FROM SUPERVISION TRUST FUND
	115,869
2621	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM SUPERVISION TRUST FUND
	340,582
2622	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM SUPERVISION TRUST FUND
	38,064
2622A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM SUPERVISION TRUST FUND
	6,969
TOTAL:	FLORIDA CAPITOL POLICE FROM TRUST FUNDS
	6,158,651
	TOTAL POSITIONS
	142
	TOTAL ALL FUNDS
	6,158,651

PROGRAM: SUPPORT PROGRAM

From funds in Specific Appropriations 2624 through 2653, the Support Program will meet the following standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percent of state term contracts savings	39%
2. Average percent state lease rates are below state commercial lease rates	10%
3. Federal property distribution rate	82%
4. Average minority certification process time (in days)	30

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

AIRCRAFT MANAGEMENT

2624	SALARIES AND BENEFITS POSITIONS 17 FROM BUREAU OF AIRCRAFT TRUST FUND
	800,212
2625	OTHER PERSONAL SERVICES FROM BUREAU OF AIRCRAFT TRUST FUND
	39,420
2626	EXPENSES FROM GENERAL REVENUE FUND
	538,038
	FROM BUREAU OF AIRCRAFT TRUST FUND
	899,353
2627	OPERATING CAPITAL OUTLAY FROM BUREAU OF AIRCRAFT TRUST FUND
	16,000
2628	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM BUREAU OF AIRCRAFT TRUST FUND
	16,284

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2628A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM BUREAU OF AIRCRAFT TRUST FUND	9,494	
TOTAL:	AIRCRAFT MANAGEMENT FROM GENERAL REVENUE FUND	538,038	
	FROM TRUST FUNDS	1,780,763	
	TOTAL POSITIONS	17	
	TOTAL ALL FUNDS	2,318,801	

FEDERAL PROPERTY ASSISTANCE

From the funds provided in Specific Appropriations 2630 through 2636A, the department is prohibited from expending funds for the outsourcing of the activities of the Federal Surplus Property Program.

2630	SALARIES AND BENEFITS POSITIONS FROM SURPLUS PROPERTY REVOLVING TRUST FUND	15	664,031
2631	OTHER PERSONAL SERVICES FROM SURPLUS PROPERTY REVOLVING TRUST FUND		10,000
2632	EXPENSES FROM SURPLUS PROPERTY REVOLVING TRUST FUND		285,410
2633	OPERATING CAPITAL OUTLAY FROM SURPLUS PROPERTY REVOLVING TRUST FUND		5,000
2634	SPECIAL CATEGORIES CONTRACTED SERVICES FROM SURPLUS PROPERTY REVOLVING TRUST FUND		153,000
2635	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM SURPLUS PROPERTY REVOLVING TRUST FUND		1,943
2636	SPECIAL CATEGORIES REFURBISH SURPLUS PROPERTY FROM SURPLUS PROPERTY REVOLVING TRUST FUND		5,000
2636A	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	15	1,180,192
	TOTAL POSITIONS		1,180,192
	TOTAL ALL FUNDS		

MOTOR VEHICLE AND WATERCRAFT MANAGEMENT

2638	SALARIES AND BENEFITS POSITIONS FROM MOTOR VEHICLE OPERATING TRUST FUND .	9	624,309
2639	OTHER PERSONAL SERVICES FROM MOTOR VEHICLE OPERATING TRUST FUND .		18,848
2640	EXPENSES FROM MOTOR VEHICLE OPERATING TRUST FUND .		497,757

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2641	OPERATING CAPITAL OUTLAY FROM MOTOR VEHICLE OPERATING TRUST FUND .		23,500
2642	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM MOTOR VEHICLE OPERATING TRUST FUND .		19,150
2643	SPECIAL CATEGORIES PAYMENT OF EXPENSES FROM SALE OF AGENCY VEHICLES FROM MOTOR VEHICLE OPERATING TRUST FUND .		650,000
2643A	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 TRUST FUNDS		2,033,722
	TOTAL POSITIONS	9	2,033,722
	TOTAL ALL FUNDS		

PURCHASING OVERSIGHT

2645	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	61	570,126
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,380,280
2646	OTHER PERSONAL SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . .		35,000
2647	EXPENSES FROM GENERAL REVENUE FUND	392,619	487,139
	FROM GRANTS AND DONATIONS TRUST FUND . . .		
2648	OPERATING CAPITAL OUTLAY FROM GRANTS AND DONATIONS TRUST FUND . . .		76,000
2649	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . .		570,500
2650	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GRANTS AND DONATIONS TRUST FUND . . .		15,046
2650A	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . .		571,436
TOTAL:	PURCHASING OVERSIGHT FROM GENERAL REVENUE FUND	61	962,745
	FROM TRUST FUNDS		4,135,401
	TOTAL POSITIONS		61
	TOTAL ALL FUNDS		5,098,146

OFFICE OF SUPPLIER DIVERSITY

2652	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	21	944,693
2652A	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		100,000
2653	EXPENSES FROM GENERAL REVENUE FUND		238,268
TOTAL:	OFFICE OF SUPPLIER DIVERSITY FROM GENERAL REVENUE FUND		1,282,961

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TOTAL POSITIONS	21	
TOTAL ALL FUNDS		1,282,961

WORKFORCE PROGRAMS

PROGRAM: HUMAN RESOURCE MANAGEMENT

From funds in Specific Appropriations 2654 through 2660B, 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 2001-2002 Standards
1. Total program cost per authorized position in the state personnel system.....	\$78.76
2. Overall customer satisfaction rating.....	97%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

Funds in Specific Appropriations 2654 through 2660B from the State Personnel System Trust Fund are based upon a personnel assessment of \$59 per position.

2654	SALARIES AND BENEFITS	POSITIONS	48	
	FROM GENERAL REVENUE FUND		126,134	
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .			2,736,372
2655	OTHER PERSONAL SERVICES			
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .			10,000
2656	EXPENSES			
	FROM GENERAL REVENUE FUND		147,649	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			100,000
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .			718,632
2657	OPERATING CAPITAL OUTLAY			
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .			5,000
2658	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .			150,000
2659	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND	264		
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .			4,402
2659A	SPECIAL CATEGORIES			
	SPECIAL NEEDS ADOPTION INCENTIVES			
	FROM GENERAL REVENUE FUND		140,000	
2660	SPECIAL CATEGORIES			
	STATE EMPLOYEE'S CHARITABLE CAMPAIGN			
	FROM GENERAL REVENUE FUND		17,000	
2660A	SPECIAL CATEGORIES			
	DISABILITY CLEARINGHOUSE			
	FROM GENERAL REVENUE FUND		250,000	
2660B	DATA PROCESSING SERVICES			
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES			
	FROM GENERAL REVENUE FUND		1,210,531	
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .			3,809,306

From the funds in Specific Appropriation 2656, \$100,000 from the Grants and Donations Trust Fund represents fees collected by the ADA Working Group.

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TOTAL: PROGRAM: HUMAN RESOURCE MANAGEMENT		
FROM GENERAL REVENUE FUND	1,891,578	
FROM TRUST FUNDS		7,533,712

TOTAL POSITIONS	48	
TOTAL ALL FUNDS		9,425,290

PROGRAM: INSURANCE BENEFITS ADMINISTRATION

From the funds in Specific Appropriations 2662 through 2669A, 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 2001-2002 Standards
1. Percent of all contracted performance standards met.....	96.7%
2. Administrative cost per health-insurance enrollee.....	\$226.37

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

2662	SALARIES AND BENEFITS	POSITIONS	99	
	FROM PRETAX BENEFITS TRUST FUND			1,157,242
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND			75,369
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND			3,326,849
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND			41,887
2663	OTHER PERSONAL SERVICES			
	FROM PRETAX BENEFITS TRUST FUND			422,370
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND			927,630
2664	EXPENSES			
	FROM PRETAX BENEFITS TRUST FUND			354,117
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND			26,546
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND			1,215,617
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND			41,588
2665	OPERATING CAPITAL OUTLAY			
	FROM PRETAX BENEFITS TRUST FUND			90,324
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND			45,342
2666	SPECIAL CATEGORIES			
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND			21,147
2667	SPECIAL CATEGORIES			
	ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE			
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND			28,500,000
2668	SPECIAL CATEGORIES			
	PRESCRIPTION DRUG CLAIMS ADMINISTRATION			
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND			195,306

From the funds provided in Specific Appropriation 2667, the Department of Management Services is authorized to contract for an audit and evaluation of the state's Group Insurance and Benefits Plans.

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2669	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM PRETAX BENEFITS TRUST FUND	20,548	
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND	1,468	
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND	53,572	
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND	764	
2669A	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	
TOTAL:	PROGRAM: INSURANCE BENEFITS ADMINISTRATION		
	FROM TRUST FUNDS	37,585,378	
	TOTAL POSITIONS	99	
	TOTAL ALL FUNDS	37,585,378	

PROGRAM: RETIREMENT BENEFITS ADMINISTRATION

From funds in Specific Appropriations 2671 through 2683, 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 2001-2002 Standards
1. Administrative cost per active and retired member	\$21.68
2. Percent of members satisfied with retirement services	93%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

Funds in Specific Appropriations 2671 through 2677A 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.

2671	SALARIES AND BENEFITS	POSITIONS	209	
	FROM OPERATING TRUST FUND			8,417,047
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND			81,880
	FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND			538,593
	FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND			32,550
2672	OTHER PERSONAL SERVICES			
	FROM OPERATING TRUST FUND			161,153
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND			52,750
	FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND			100
2673	EXPENSES			
	FROM FLORIDA RETIREMENT SYSTEM TRUST FUND			9,642
	FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND			15,000
	FROM OPERATING TRUST FUND			3,834,093

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	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND			216,718
	FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND			92,077
	FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND			12,461
2674	OPERATING CAPITAL OUTLAY			
	FROM OPERATING TRUST FUND			429,697
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND			12,050
	FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND			2,500
2675	SPECIAL CATEGORIES			
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
	FROM OPERATING TRUST FUND			4,801
2675A	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM OPERATING TRUST FUND			3,430,000
	Funds in Specific Appropriation 2675A are provided to continue the outsourcing of maintenance and support of the Division of Retirement's Full Service Information System, previously known as the Re-Engineering Improvement Modernization automation project. Of the funds provided, \$80,000 shall be used for special project monitoring of the maintenance and support of the System, 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.			
2676	SPECIAL CATEGORIES			
	OVERTIME			
	FROM OPERATING TRUST FUND			414,300
2677	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM OPERATING TRUST FUND			27,777
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND			238
	FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND			1,192
	FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND			119
2677A	DATA PROCESSING SERVICES			
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES			
	FROM OPERATING TRUST FUND			508,781
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND			20,000
	FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND			12,416
2679	PENSIONS AND BENEFITS			
	DISABILITY BENEFITS TO JUSTICES AND JUDGES			
	FROM GENERAL REVENUE FUND			340,416
2680	PENSIONS AND BENEFITS			
	FLORIDA NATIONAL GUARD			
	FROM GENERAL REVENUE FUND			7,299,336
2681	PENSIONS AND BENEFITS			
	SPECIAL PENSIONS AND RELIEF ACTS			
	FROM GENERAL REVENUE FUND			5,975
2682	PENSIONS AND BENEFITS			
	STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)			
	FROM GENERAL REVENUE FUND			1,576,557

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2683	PENSIONS AND BENEFITS TEACHER'S SPECIAL PENSIONS FROM GENERAL REVENUE FUND	13,000	
TOTAL:	PROGRAM: RETIREMENT BENEFITS ADMINISTRATION FROM GENERAL REVENUE FUND FROM TRUST FUNDS	9,235,284	18,327,935
	TOTAL POSITIONS	209	
	TOTAL ALL FUNDS		27,563,219

PROGRAM: TECHNOLOGY PROGRAM

From funds in Specific Appropriations 2684 through 2733, the Technology Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Aggregated discount from commercially available rates for voice and data services.....	31.82%
2. Percent of state covered by the Joint Task Force Radio System	58%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

TELECOMMUNICATIONS SERVICES

2684	SALARIES AND BENEFITS FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND	POSITIONS 98		4,519,377
2685	OTHER PERSONAL SERVICES FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND			57,995
2686	EXPENSES FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND			1,661,696 519,480
2686A	AID TO LOCAL GOVERNMENTS CITY OF MARGATE FIBER OPTIC CABLE EXPANSION - BROWARD COUNTY FROM GENERAL REVENUE FUND		85,000	
2686B	AID TO LOCAL GOVERNMENTS CITY OF COCONUT CREEK FIBER CONNECTION PROJECT - BROWARD COUNTY FROM GENERAL REVENUE FUND		250,000	
2687	AID TO LOCAL GOVERNMENTS DISTRIBUTIONS TO COUNTIES - WIRELESS 911 TELEPHONE SYSTEMS FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND			21,821,200

From the funds in Specific Appropriation 2687, the following projects are funded:

Enhanced 911 Program - Lafayette County.....	100,000
911 Operations - Union County.....	125,000
911 Addressing and Signage - Dixie County.....	100,000

2688	AID TO LOCAL GOVERNMENTS DISTRIBUTIONS TO SERVICE PROVIDERS -		
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	WIRELESS 911 TELEPHONE SYSTEMS FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND			25,454,520
2689	OPERATING CAPITAL OUTLAY FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND			100,000
2690	SPECIAL CATEGORIES CENTREX AND SUNCOM PAYMENTS FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND			124,775,624
2691	SPECIAL CATEGORIES TELECOMMUNICATIONS INFRASTRUCTURE PROJECT SYSTEMS (TIPS) FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND			5,000,000
2693	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND			8,377
2693A	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 FROM TRUST FUNDS		335,000	184,946,431
	TOTAL POSITIONS	98		
	TOTAL ALL FUNDS			185,281,431
WIRELESS SERVICES				
2695	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND	POSITIONS 26		786,658 114,304 765,660
2696	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND			4,000
2697	EXPENSES FROM GENERAL REVENUE FUND FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		55,375	65,617 508,785
2698	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		4,000	20,000
2698A	SPECIAL CATEGORIES CONTRACTED SERVICES FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND			3,225,104
2699	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		1,100	169 2,457

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 2699A SPECIAL CATEGORIES
 STATEWIDE LAW ENFORCEMENT RADIO SYSTEM
 CONTRACT PAYMENT
 FROM LAW ENFORCEMENT RADIO SYSTEM TRUST
 FUND 20,000,000

From the funds in Specific Appropriation 2699A, from the Statewide Law Enforcement Radio Trust Fund, the State Technology Office shall pay the outsourcing vendor pursuant to the contract executed for implementation of the Statewide Law Enforcement Radio System. The payments shall not exceed the net trust fund proceeds for the fiscal year.

TOTAL: WIRELESS SERVICES
 FROM GENERAL REVENUE FUND 851,133
 FROM TRUST FUNDS 24,702,096

 TOTAL POSITIONS 26
 TOTAL ALL FUNDS 25,553,229

INFORMATION SERVICES

2700 SALARIES AND BENEFITS POSITIONS 142
 FROM GENERAL REVENUE FUND 1,137,822
 FROM WORKING CAPITAL TRUST FUND 6,115,778

 2701 OTHER PERSONAL SERVICES
 FROM GENERAL REVENUE FUND 160,000
 FROM WORKING CAPITAL TRUST FUND 2,005,500

 2702 EXPENSES
 FROM GENERAL REVENUE FUND 1,198,172
 FROM GRANTS AND DONATIONS TRUST FUND 4,300,000
 FROM WORKING CAPITAL TRUST FUND 5,688,399

 2703 OPERATING CAPITAL OUTLAY
 FROM GENERAL REVENUE FUND 90,000
 FROM WORKING CAPITAL TRUST FUND 4,565,000

 2705 SPECIAL CATEGORIES
 DATA CENTER RESEARCH AND DEVELOPMENT
 FROM WORKING CAPITAL TRUST FUND 750,000

 2711 SPECIAL CATEGORIES
 CONTRACTED SERVICES
 FROM WORKING CAPITAL TRUST FUND 2,500,000

Funds in Specific Appropriation 2711, 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 Fiscal Year 2000-2001 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 Appropriations Committee by September 1, 2001.

2718 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 6,567
 FROM WORKING CAPITAL TRUST FUND 27,999

 2726A DATA PROCESSING SERVICES
 TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
 MANAGEMENT SERVICES
 FROM GENERAL REVENUE FUND 2,000

 TOTAL: INFORMATION SERVICES
 FROM GENERAL REVENUE FUND 2,594,561
 FROM TRUST FUNDS 25,952,676

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 TOTAL POSITIONS 142
 TOTAL ALL FUNDS 28,547,237

STATE TECHNOLOGY OFFICE

2729 SALARIES AND BENEFITS POSITIONS 4
 FROM GENERAL REVENUE FUND 369,964

 2730 OTHER PERSONAL SERVICES
 FROM GENERAL REVENUE FUND 11,925

 2731 EXPENSES
 FROM GENERAL REVENUE FUND 143,441

 2732 SPECIAL CATEGORIES
 STATE PORTAL DEVELOPMENT
 FROM GRANTS AND DONATIONS TRUST FUND 4,000,000

 2733 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 799

 TOTAL: STATE TECHNOLOGY OFFICE
 FROM GENERAL REVENUE FUND 526,129
 FROM TRUST FUNDS 4,000,000

 TOTAL POSITIONS 4
 TOTAL ALL FUNDS 4,526,129

PROGRAM: CORRECTIONAL PRIVATIZATION COMMISSION

PRIVATE PRISONS OPERATIONS

2734 SALARIES AND BENEFITS POSITIONS 10
 FROM GENERAL REVENUE FUND 256,507
 FROM GRANTS AND DONATIONS TRUST FUND 364,340

 2735 EXPENSES
 FROM GENERAL REVENUE FUND 30

 2736 SPECIAL CATEGORIES
 CORRECTIONAL PRIVATIZATION COMMISSION
 FROM GENERAL REVENUE FUND 237,544
 FROM GRANTS AND DONATIONS TRUST FUND 89,727

 2737 SPECIAL CATEGORIES
 RISK MANAGEMENT INSURANCE
 FROM GENERAL REVENUE FUND 235
 FROM GRANTS AND DONATIONS TRUST FUND 547

 2737A DATA PROCESSING SERVICES
 TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
 MANAGEMENT SERVICES
 FROM GENERAL REVENUE FUND 6,336

 TOTAL: PRIVATE PRISONS OPERATIONS
 FROM GENERAL REVENUE FUND 500,652
 FROM TRUST FUNDS 454,614

 TOTAL POSITIONS 10
 TOTAL ALL FUNDS 955,266

PROGRAM: COMMISSION ON HUMAN RELATIONS

From funds in Specific Appropriations 2739 through 2744A, the Commission on Human Relations will meet the following standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures - Outcomes	Standards

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|Percent of civil rights cases resolved within 120 days after
|filing..... 60% |
=====

HUMAN RELATIONS

2739	SALARIES AND BENEFITS	POSITIONS	72	
	FROM GENERAL REVENUE FUND		2,466,034	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			547,946
2740	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		37,800	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			77,040
2741	EXPENSES			
	FROM GENERAL REVENUE FUND		520,266	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			154,160
2741A	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		1,736	
2742	SPECIAL CATEGORIES			
	TRANSFER TO DIVISION OF ADMINISTRATIVE			
	HEARINGS			
	FROM GENERAL REVENUE FUND		185,729	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			11,907
2743	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			36,000
2744	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		4,806	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			867
2744A	DATA PROCESSING SERVICES			
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF			
	MANAGEMENT SERVICES			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			100,000
TOTAL:	HUMAN RELATIONS			
	FROM GENERAL REVENUE FUND		3,216,371	
	FROM TRUST FUNDS			927,920
	TOTAL POSITIONS		72	
	TOTAL ALL FUNDS			4,144,291

PROGRAM: ADMINISTRATIVE HEARINGS

From funds in Specific Appropriations 2446 through 2751, the Administrative Hearings Program will meet the following standards as required by the Government Performance and Accountability Act of 1994:

=====	
Performance	FY 2001-2002
Measures - Outcomes	Standards

Percent of cases closed within 120 days after filling.....	73%
=====	

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

ADJUDICATION OF DISPUTES

From the funds in Specific Appropriations 2746 through 2751, the division shall be reimbursed for administrative law judge services by the following entities: water management districts, regional planning councils, school districts, community colleges, the Division of Community Colleges, universities, the Board of Regents, the Florida

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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, 2001. Reimbursement for administrative law judge travel expenses attributable to hearings conducted on behalf of these entities shall be made by these entities.

2746	SALARIES AND BENEFITS	POSITIONS	80	
	FROM ADMINISTRATIVE TRUST FUND			6,650,475
2747	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			481,242
2748	EXPENSES			
	FROM ADMINISTRATIVE TRUST FUND			1,233,418
2749	OPERATING CAPITAL OUTLAY			
	FROM ADMINISTRATIVE TRUST FUND			71,550
2751	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM ADMINISTRATIVE TRUST FUND			19,826
TOTAL:	ADJUDICATION OF DISPUTES			
	FROM TRUST FUNDS			8,456,511
	TOTAL POSITIONS		80	
	TOTAL ALL FUNDS			8,456,511

MILITARY AFFAIRS, DEPARTMENT OF

PROGRAM: READINESS AND RESPONSE

From the funds in Specific Appropriations 2753 through 2775A 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	FY 2001-2002
Measures	Standards

OUTCOMES:	

Percent of supported agencies reporting satisfaction with the	
department's support for specific missions.....	90%

Percent of funded positions available for state deployment	99.5%

Additional Approved performance measures and standards are	
established in the FY 2001-2002 Implementing Bill and are	
incorporated herein by reference.	
=====	

DRUG INTERDICTION AND PREVENTION

2753	SALARIES AND BENEFITS			
	FROM GENERAL REVENUE FUND		50,000	
2754	EXPENSES			
	FROM GENERAL REVENUE FUND		150,000	
	FROM ARMORY BOARD TRUST FUND			5,000,000
	FROM FEDERAL EQUITABLE SHARING/LAW			
	ENFORCEMENT TRUST FUND			723,000
2755	OPERATING CAPITAL OUTLAY			
	FROM FEDERAL EQUITABLE SHARING/LAW			
	ENFORCEMENT TRUST FUND			75,000

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TOTAL: DRUG INTERDICTION AND PREVENTION			
FROM GENERAL REVENUE FUND	200,000		
FROM TRUST FUNDS		5,798,000	
TOTAL ALL FUNDS		5,998,000	
MILITARY READINESS			
2756 SALARIES AND BENEFITS POSITIONS 94			
FROM GENERAL REVENUE FUND	2,290,896		
FROM CAMP BLANDING MANAGEMENT TRUST FUND .		830,055	
2757 OTHER PERSONAL SERVICES			
FROM CAMP BLANDING MANAGEMENT TRUST FUND .		118,172	
2758 EXPENSES			
FROM GENERAL REVENUE FUND	3,059,401		
FROM CAMP BLANDING MANAGEMENT TRUST FUND .		604,566	
2759 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND	2,087		
FROM CAMP BLANDING MANAGEMENT TRUST FUND .		186,853	
2760 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM CAMP BLANDING MANAGEMENT TRUST FUND .		225,000	
2761 SPECIAL CATEGORIES			
NATIONAL GUARD TUITION ASSISTANCE			
FROM GENERAL REVENUE FUND	2,394,315		
2762 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM CAMP BLANDING MANAGEMENT TRUST FUND .		85,744	
2762A FIXED CAPITAL OUTLAY			
FLORIDA READINESS CENTERS REVITALIZATION			
PLAN - STATEWIDE			
FROM GENERAL REVENUE FUND	2,000,000		
TOTAL: MILITARY READINESS			
FROM GENERAL REVENUE FUND	9,746,699		
FROM TRUST FUNDS		2,050,390	
TOTAL POSITIONS	94		
TOTAL ALL FUNDS		11,797,089	

MILITARY RESPONSE			
2763 SALARIES AND BENEFITS POSITIONS 3			
FROM GENERAL REVENUE FUND	210,271		
2764 EXPENSES			
FROM GENERAL REVENUE FUND	234,359		
2765 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND	8,358		
TOTAL: MILITARY RESPONSE			
FROM GENERAL REVENUE FUND	452,988		
TOTAL POSITIONS	3		
TOTAL ALL FUNDS		452,988	

EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2766 SALARIES AND BENEFITS POSITIONS 48			
FROM GENERAL REVENUE FUND	2,549,186		
FROM ARMORY BOARD TRUST FUND		262,782	

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2767 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		95,000	
2768 EXPENSES			
FROM GENERAL REVENUE FUND		885,399	
2769 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		43,290	
FROM ARMORY BOARD TRUST FUND			26,000
FROM CAMP BLANDING MANAGEMENT TRUST FUND .			47,950
2770 SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM GENERAL REVENUE FUND		46,000	
2771 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		116,312	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND		3,735,187	
FROM TRUST FUNDS			336,732
TOTAL POSITIONS		48	
TOTAL ALL FUNDS			4,071,919

FEDERAL/STATE COOPERATIVE AGREEMENTS			
2772 SALARIES AND BENEFITS POSITIONS 132			
FROM ARMORY BOARD TRUST FUND			4,554,824
2773 OTHER PERSONAL SERVICES			
FROM ARMORY BOARD TRUST FUND			247,000
2774 EXPENSES			
FROM ARMORY BOARD TRUST FUND			17,171,444
2775 OPERATING CAPITAL OUTLAY			
FROM ARMORY BOARD TRUST FUND			126,000
2775A SPECIAL CATEGORIES			
GRANTS AND AIDS - WAGES CONTRACTING WITH			
MILITARY AFFAIRS			
FROM ARMORY BOARD TRUST FUND			4,300,000

Funds in Specific Appropriation 2775A are provided for the About Face Program (\$2,500,000) and the Forward March Program (\$1,800,000). The source of funds for these expenditures is the Temporary Assistance for Needy Families (TANF) Block Grant.

From the funds in Specific Appropriation 2775A, any expenditures from the Temporary Assistance for Needy Families (TANF) Block Grant must 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 identify the number of clients to be served and certify 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.

The Agency Head or his designee shall certify that controls are in place to ensure that 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.

TOTAL: FEDERAL/STATE COOPERATIVE AGREEMENTS			
FROM TRUST FUNDS			26,399,268
TOTAL POSITIONS		132	
TOTAL ALL FUNDS			26,399,268

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PUBLIC SERVICE COMMISSION

PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE

From the funds in Specific Appropriations 2777 through 2786, 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.

Performance Measures	FY 2001-2002 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	83%
Average waiting time	2.0 min.
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

2777	SALARIES AND BENEFITS	POSITIONS	386	
	FROM REGULATORY TRUST FUND			20,670,541
2778	OTHER PERSONAL SERVICES			
	FROM REGULATORY TRUST FUND			386,714
2779	EXPENSES			
	FROM REGULATORY TRUST FUND			4,825,511
2780	OPERATING CAPITAL OUTLAY			
	FROM REGULATORY TRUST FUND			387,546
2781	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM REGULATORY TRUST FUND			13,101
2783	SPECIAL CATEGORIES			
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
	FROM REGULATORY TRUST FUND			15,616
2784	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM REGULATORY TRUST FUND			42,230
2785	SPECIAL CATEGORIES			
	ENERGY 2020 STUDY COMMISSION			
	FROM REGULATORY TRUST FUND			125,000
2785A	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES FOR LIFELINE ENROLLMENT			
	FROM REGULATORY TRUST FUND			500,000
2786	DATA PROCESSING SERVICES			
	OTHER DATA PROCESSING SERVICES			
	FROM REGULATORY TRUST FUND			78,548
TOTAL:	PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE			
	FROM TRUST FUNDS			27,044,807
	TOTAL POSITIONS		386	
	TOTAL ALL FUNDS			27,044,807

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REVENUE, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2787	SALARIES AND BENEFITS	POSITIONS	365	
	FROM GENERAL REVENUE FUND			8,142,506
	FROM ADMINISTRATIVE TRUST FUND			4,938,706
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND			16,976
	FROM GRANTS AND DONATIONS TRUST FUND			4,705,591
2788	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			437,740
2789	EXPENSES			
	FROM GENERAL REVENUE FUND		28,132	
	FROM ADMINISTRATIVE TRUST FUND			2,149,861
	FROM GRANTS AND DONATIONS TRUST FUND			732,862

Funds in Specific Appropriation 2789 are authorized for a commission to consult with the Department of Revenue to develop the most practicable methodology in determining the correct property situs for collecting the excise taxes as provided in sections 175.101 and 185.08, Florida Statutes. The Commission shall be comprised of thirteen members appointed as follows. The Governor shall appoint seven members; three of which shall be representatives from the Florida Police Benevolent Association, Inc., three of which shall be representatives from the Florida Professional firefighters, and one of which shall be a representative of the Municipal and Firefighters Section of the Florida Retirement System. The President of the Senate shall appoint four members; one of which shall be a representative from the Florida Insurance Council representing personal lines insurers, one of which shall be a person with an accounting and legal background familiar with insurance related taxes in Florida, one person who shall be a representative of the Florida League of Cities, and the chair of the Senate Finance and Tax or designee. The Speaker of the House shall appoint four members, one which shall be a representative from the American Insurance Association representing commercial insurers, one of which shall be a person with a legal background familiar with insurance related taxes in Florida and one who shall be a representative of the Florida League of Cities, and the chair of the Fiscal Policy and Resources or designee.

The Commission shall develop one or more methodologies which appropriately identifies the property location for the collection of excise taxes from insurers. The recommended methodologies shall provide for the distribution of the insurance premium tax in such a way that no municipality or special fire control district will receive in any year less than it received in the year 2001, and it shall provide that each qualified municipality or special fire control district receive an amount of the insurance premium tax revenue which is equal to the percentage required in the relevant sections of Florida Statutes on the total premiums paid for property and casualty risks in that municipality or special fire control district.

The study shall evaluate the impact of various methodologies on participating municipalities and special fire control districts and the cost and feasibility for insurers of complying with each methodology. The Commission shall submit to the Legislature by January 1, 2002, a report containing the results of its study and any recommendations. Until July 1, 2002, the Department of Insurance shall not take any action to audit insurers or finalize any pending audits of insurers with respect to the accuracy of coding the location of insured properties for purposes associated with these premium taxes.

All appointments to the Commission shall be made by July 1, 2001. Each Commission member shall be responsible for his/her expenses. The Commission is abolished January 2, 2002. The staffs of the Senate Finance and Taxation Committee and the House Fiscal Policy and Resources Committee shall provide administrative support for the Commission. All meetings of the Commission shall be held in Tallahassee.

SECTION 6			
SPECIFIC			
APPROPRIATION			
2790	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND	257,911	
2791	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND	179,369	
2792	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	13,946	
	FROM ADMINISTRATIVE TRUST FUND		191,296
	FROM GRANTS AND DONATIONS TRUST FUND		5,423
2792A	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	1,062	
	FROM ADMINISTRATIVE TRUST FUND		910,333
	FROM GRANTS AND DONATIONS TRUST FUND		106
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND	8,185,646	
	FROM TRUST FUNDS		14,526,174
	TOTAL POSITIONS	365	
	TOTAL ALL FUNDS		22,711,820

PROGRAM: PROPERTY TAX ADMINISTRATION PROGRAM

From the funds in Specific Appropriations 2793 through 2811, 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 2001-2002 Standards
11. Percent of classes studied found to have a level of assessment of at least 90 percent.....	97.0%
12. Percent of taxing authorities in total or substantial truth in millage compliance on initial submission.....	97.6%
13. Percent of refund and tax certificate applications processed within 30 days of receipt.....	98%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

PROPERTY TAX COLLECTION OVERSIGHT			
2793	SALARIES AND BENEFITS	POSITIONS	16
	FROM INTANGIBLE TAX TRUST FUND		607,015
2794	OTHER PERSONAL SERVICES		
	FROM INTANGIBLE TAX TRUST FUND		10,000
2795	EXPENSES		
	FROM INTANGIBLE TAX TRUST FUND		38,653
2796	AID TO LOCAL GOVERNMENTS		
	COUNTY TAX FORMS		
	FROM INTANGIBLE TAX TRUST FUND		157,500
2797	SPECIAL CATEGORIES		
	PROPERTY APPRAISER AND TAX COLLECTOR		
	CERTIFICATION PROGRAM		
	FROM CERTIFICATION PROGRAM TRUST FUND		90,000

SECTION 6			
SPECIFIC			
APPROPRIATION			
2798	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INTANGIBLE TAX TRUST FUND		52,377
TOTAL: PROPERTY TAX COLLECTION OVERSIGHT			
	FROM TRUST FUNDS		955,545
	TOTAL POSITIONS	16	
	TOTAL ALL FUNDS		955,545
PROPERTY TAX ROLL OVERSIGHT			
2799	SALARIES AND BENEFITS	POSITIONS	154
	FROM INTANGIBLE TAX TRUST FUND		7,094,236
2800	OTHER PERSONAL SERVICES		
	FROM INTANGIBLE TAX TRUST FUND		478,170
2801	EXPENSES		
	FROM INTANGIBLE TAX TRUST FUND		1,825,527
2802	AID TO LOCAL GOVERNMENTS		
	AERIAL PHOTOGRAPHY AND MAPPING		
	FROM INTANGIBLE TAX TRUST FUND		714,365
2803	AID TO LOCAL GOVERNMENTS		
	COUNTY TAX FORMS		
	FROM INTANGIBLE TAX TRUST FUND		457,500
2804	OPERATING CAPITAL OUTLAY		
	FROM INTANGIBLE TAX TRUST FUND		109,859
2805	SPECIAL CATEGORIES		
	PROPERTY APPRAISER AND TAX COLLECTOR		
	CERTIFICATION PROGRAM		
	FROM CERTIFICATION PROGRAM TRUST FUND		210,000
2806	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INTANGIBLE TAX TRUST FUND		106,247
2806A	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM INTANGIBLE TAX TRUST FUND		152,478
TOTAL: PROPERTY TAX ROLL OVERSIGHT			
	FROM TRUST FUNDS		11,148,382
	TOTAL POSITIONS	154	
	TOTAL ALL FUNDS		11,148,382
TRUTH IN MILLAGE COMPLIANCE			
2807	SALARIES AND BENEFITS	POSITIONS	6
	FROM INTANGIBLE TAX TRUST FUND		277,983
2808	OTHER PERSONAL SERVICES		
	FROM INTANGIBLE TAX TRUST FUND		4,000
2809	EXPENSES		
	FROM INTANGIBLE TAX TRUST FUND		45,088
2810	AID TO LOCAL GOVERNMENTS		
	AERIAL PHOTOGRAPHY AND MAPPING		
	FROM INTANGIBLE TAX TRUST FUND		9,116
2811	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INTANGIBLE TAX TRUST FUND		30,723
TOTAL: TRUTH IN MILLAGE COMPLIANCE			
	FROM TRUST FUNDS		366,910

SECTION 6		
SPECIFIC		
APPROPRIATION		
TOTAL POSITIONS	6	
TOTAL ALL FUNDS		366,910

PROGRAM: CHILD SUPPORT

From the funds in Specific Appropriations 2812 through 2836A, the Child Support Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Percentage of IV D cases with a court order for support...	50%
2. Total child support dollars collected per \$1 of total expenditures.....	\$3.99
3. Percent of current support collected, not including arrears...	50%

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

CHILD SUPPORT ORDER ESTABLISHMENT

2812	SALARIES AND BENEFITS	POSITIONS	1,154	
	FROM GENERAL REVENUE FUND		8,435,707	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			4,908,220
	FROM GRANTS AND DONATIONS TRUST FUND			25,923,048
2813	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		81,767	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			47,497
	FROM GRANTS AND DONATIONS TRUST FUND			283,151
2814	EXPENSES			
	FROM GENERAL REVENUE FUND		2,547,206	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			938,136
	FROM GRANTS AND DONATIONS TRUST FUND			5,622,261
From the funds in Specific Appropriation 2814, up to \$8,500 from the General Revenue Fund and \$16,500 from the Grants and Donations Trust Fund may be used by the Department of Revenue to conduct a review of the child support guideline schedule in accordance with the federal Family Support Act of 1988, to ensure appropriate determination of child support award amounts. The analysis of economic data derived from the study must be used in Florida's review of the guidelines to ensure that deviations from them are limited.				
2815	OPERATING CAPITAL OUTLAY			
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			16,317
2816	SPECIAL CATEGORIES			
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT			
	FROM GENERAL REVENUE FUND		4,782,307	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			2,911,094
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND			80,795
	FROM GRANTS AND DONATIONS TRUST FUND			20,994,788
2817	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		86,914	
	FROM GRANTS AND DONATIONS TRUST FUND			168,714
2817A	DATA PROCESSING SERVICES			
	CHILDREN AND FAMILIES DATA CENTER			
	FROM GENERAL REVENUE FUND		571,630	
	FROM GRANTS AND DONATIONS TRUST FUND			6,558,702
TOTAL:	CHILD SUPPORT ORDER ESTABLISHMENT			
	FROM GENERAL REVENUE FUND		16,505,531	
	FROM TRUST FUNDS			68,452,723

SECTION 6		
SPECIFIC		
APPROPRIATION		
TOTAL POSITIONS	1,154	
TOTAL ALL FUNDS		84,958,254

CHILD SUPPORT COLLECTION AND DISTRIBUTION

2818	SALARIES AND BENEFITS	POSITIONS	253	
	FROM GENERAL REVENUE FUND		1,890,060	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			1,034,952
	FROM GRANTS AND DONATIONS TRUST FUND			5,676,625
2819	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		23,873	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			9,861
	FROM GRANTS AND DONATIONS TRUST FUND			59,654
2820	EXPENSES			
	FROM GENERAL REVENUE FUND		443,899	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			188,856
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND			50,000
	FROM GRANTS AND DONATIONS TRUST FUND			1,227,291
2821	OPERATING CAPITAL OUTLAY			
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			3,696
	FROM GRANTS AND DONATIONS TRUST FUND			73,349
2822	SPECIAL CATEGORIES			
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT			
	FROM GENERAL REVENUE FUND		3,951,078	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			1,428,400
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND			60,414
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND			2,300,000
	FROM GRANTS AND DONATIONS TRUST FUND			18,337,165
2823	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		18,432	
	FROM GRANTS AND DONATIONS TRUST FUND			35,780
2824	FINANCIAL ASSISTANCE PAYMENTS			
	CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS			
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			900,000
2824A	DATA PROCESSING SERVICES			
	CHILDREN AND FAMILIES DATA CENTER			
	FROM GENERAL REVENUE FUND		252,765	
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND			10,022
	FROM GRANTS AND DONATIONS TRUST FUND			445,536
TOTAL:	CHILD SUPPORT COLLECTION AND DISTRIBUTION			
	FROM GENERAL REVENUE FUND		6,580,107	
	FROM TRUST FUNDS			31,841,601
	TOTAL POSITIONS		253	
	TOTAL ALL FUNDS			38,421,708
CHILD SUPPORT ENFORCEMENT				
2825	SALARIES AND BENEFITS	POSITIONS	609	
	FROM GENERAL REVENUE FUND		4,504,640	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			2,534,163
	FROM GRANTS AND DONATIONS TRUST FUND			13,672,827
2826	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		58,436	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND			25,081
	FROM GRANTS AND DONATIONS TRUST FUND			147,291

SECTION 6 SPECIFIC APPROPRIATION		
2827	EXPENSES	
	FROM GENERAL REVENUE FUND	3,013,659
	FROM CHILD SUPPORT INCENTIVE TRUST FUND	482,263
	FROM GRANTS AND DONATIONS TRUST FUND	6,783,649
2828	OPERATING CAPITAL OUTLAY	
	FROM GRANTS AND DONATIONS TRUST FUND	243,076
2829	SPECIAL CATEGORIES	
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT	
	FROM GENERAL REVENUE FUND	4,105,563
	FROM CHILD SUPPORT INCENTIVE TRUST FUND	1,743,815
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND	73,754
	FROM GRANTS AND DONATIONS TRUST FUND	11,470,223
2830	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	44,881
	FROM GRANTS AND DONATIONS TRUST FUND	87,121
2830A	DATA PROCESSING SERVICES	
	CHILDREN AND FAMILIES DATA CENTER	
	FROM GENERAL REVENUE FUND	615,425
	FROM GRANTS AND DONATIONS TRUST FUND	3,231,699
TOTAL:	CHILD SUPPORT ENFORCEMENT	
	FROM GENERAL REVENUE FUND	12,342,604
	FROM TRUST FUNDS	40,494,962
	TOTAL POSITIONS	609
	TOTAL ALL FUNDS	52,837,566
CHILD SUPPORT CUSTOMER SERVICE		
2831	SALARIES AND BENEFITS POSITIONS	412
	FROM GENERAL REVENUE FUND	3,069,170
	FROM CHILD SUPPORT INCENTIVE TRUST FUND	1,695,653
	FROM GRANTS AND DONATIONS TRUST FUND	9,252,106
2832	OTHER PERSONAL SERVICES	
	FROM GENERAL REVENUE FUND	39,924
	FROM CHILD SUPPORT INCENTIVE TRUST FUND	19,561
	FROM GRANTS AND DONATIONS TRUST FUND	103,904
2833	EXPENSES	
	FROM GENERAL REVENUE FUND	1,131,165
	FROM CHILD SUPPORT INCENTIVE TRUST FUND	508,539
	FROM GRANTS AND DONATIONS TRUST FUND	3,180,264
2834	OPERATING CAPITAL OUTLAY	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND	13,987
	FROM GRANTS AND DONATIONS TRUST FUND	146,147
2835	SPECIAL CATEGORIES	
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT	
	FROM GENERAL REVENUE FUND	2,418,199
	FROM CHILD SUPPORT INCENTIVE TRUST FUND	865,090
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND	36,588
	FROM GRANTS AND DONATIONS TRUST FUND	10,630,765
2836	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	30,029
	FROM GRANTS AND DONATIONS TRUST FUND	58,290
2836A	DATA PROCESSING SERVICES	
	CHILDREN AND FAMILIES DATA CENTER	
	FROM GENERAL REVENUE FUND	411,719
	FROM GRANTS AND DONATIONS TRUST FUND	2,970,905

SECTION 6 SPECIFIC APPROPRIATION		
TOTAL: CHILD SUPPORT CUSTOMER SERVICE		
	FROM GENERAL REVENUE FUND	7,100,206
	FROM TRUST FUNDS	29,481,799
	TOTAL POSITIONS	412
	TOTAL ALL FUNDS	36,582,005

PROGRAM: GENERAL TAX ADMINISTRATION PROGRAM

From the funds in Specific Appropriations 2837 through 2875, the General Tax Administration Program will meet the following performance standards as required by the Government Performance and Accountability Act of 1994.

Performance Measures - Outcomes	FY 2001-2002 Standards
1. Dollars collected voluntarily as a percent of total dollars collected	98%
2. Direct collections per enforcement related dollar spent	\$4.57

Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.

TAXPAYER REGISTRATION AND EDUCATION

2837	SALARIES AND BENEFITS POSITIONS	307	
	FROM GENERAL REVENUE FUND	7,216,323	
	FROM ADMINISTRATIVE TRUST FUND		2,944,541
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		156,383
	FROM GRANTS AND DONATIONS TRUST FUND		2,101,789
2838	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		37,094
2839	EXPENSES		
	FROM GENERAL REVENUE FUND	1,582,011	
	FROM ADMINISTRATIVE TRUST FUND		1,951,313
	FROM GRANTS AND DONATIONS TRUST FUND		497,676
2840	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	48,251	
	FROM ADMINISTRATIVE TRUST FUND		139,492
	FROM GRANTS AND DONATIONS TRUST FUND		4,744
2841	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	35,428	
	FROM ADMINISTRATIVE TRUST FUND		51,026
2841A	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM GRANTS AND DONATIONS TRUST FUND		319,541
2842	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	1,209	
	FROM ADMINISTRATIVE TRUST FUND		265,811
TOTAL:	TAXPAYER REGISTRATION AND EDUCATION		
	FROM GENERAL REVENUE FUND	8,883,222	
	FROM TRUST FUNDS		8,469,410
	TOTAL POSITIONS	307	
	TOTAL ALL FUNDS		17,352,632

SECTION 6			
SPECIFIC			
APPROPRIATION			
FILING COMPLIANCE			
2844	SALARIES AND BENEFITS	POSITIONS	619
	FROM GENERAL REVENUE FUND		12,447,028
	FROM ADMINISTRATIVE TRUST FUND		5,414,264
	FROM CORPORATION TAX ADMINISTRATION		
	TRUST FUND		270,243
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,435,763
2845	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		491,785
	FROM ADMINISTRATIVE TRUST FUND		682,914
	FROM GRANTS AND DONATIONS TRUST FUND . . .		203,010
2846	EXPENSES		
	FROM GENERAL REVENUE FUND		1,792,361
	FROM ADMINISTRATIVE TRUST FUND		2,902,836
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,565,525
2847	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		76,876
	FROM ADMINISTRATIVE TRUST FUND		1,634,957
	FROM GRANTS AND DONATIONS TRUST FUND . . .		8,822
2848	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - COLLECTION AGENCIES		
	FROM ADMINISTRATIVE TRUST FUND		122,850
2849	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		42,434
	FROM ADMINISTRATIVE TRUST FUND		61,119
2849A	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT		
	OF LABOR AND EMPLOYMENT SECURITY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		594,347
2850	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND		1,448
	FROM ADMINISTRATIVE TRUST FUND		277,015
TOTAL:	FILING COMPLIANCE		
	FROM GENERAL REVENUE FUND		14,851,932
	FROM TRUST FUNDS		17,173,665
	TOTAL POSITIONS		619
	TOTAL ALL FUNDS		32,025,597
REMITTANCE ACCOUNTING			
2852	SALARIES AND BENEFITS	POSITIONS	83
	FROM GENERAL REVENUE FUND		2,101,259
	FROM ADMINISTRATIVE TRUST FUND		856,413
	FROM CORPORATION TAX ADMINISTRATION		
	TRUST FUND		45,524
	FROM GRANTS AND DONATIONS TRUST FUND . . .		63,526
2853	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		17,061
2854	EXPENSES		
	FROM GENERAL REVENUE FUND		319,843
	FROM ADMINISTRATIVE TRUST FUND		394,127
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,006
2854A	AID TO LOCAL GOVERNMENTS		
	EMERGENCY DISTRIBUTIONS		
	FROM LOCAL GOVERNMENT HALF-CENT SALES		
	TAX CLEARING TRUST FUND		8,807,042

SECTION 6			
SPECIFIC			
APPROPRIATION			
2854B	AID TO LOCAL GOVERNMENTS		
	INMATE SUPPLEMENTAL DISTRIBUTION		
	FROM LOCAL GOVERNMENT HALF-CENT SALES		
	TAX CLEARING TRUST FUND		592,958
2855	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		34,127
	FROM ADMINISTRATIVE TRUST FUND		216,123
	FROM GRANTS AND DONATIONS TRUST FUND . . .		95
2856	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - COLLECTION AGENCIES		
	FROM ADMINISTRATIVE TRUST FUND		6,850
2857	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		9,867
	FROM ADMINISTRATIVE TRUST FUND		14,209
2857A	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT		
	OF LABOR AND EMPLOYMENT SECURITY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,391
2858	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND		339
	FROM ADMINISTRATIVE TRUST FUND		79,345
TOTAL:	REMITTANCE ACCOUNTING		
	FROM GENERAL REVENUE FUND		2,465,435
	FROM TRUST FUNDS		11,109,670
	TOTAL POSITIONS		83
	TOTAL ALL FUNDS		13,575,105
ENFORCED COMPLIANCE			
2860	SALARIES AND BENEFITS	POSITIONS	1,635
	FROM GENERAL REVENUE FUND		43,607,148
	FROM ADMINISTRATIVE TRUST FUND		18,645,762
	FROM CORPORATION TAX ADMINISTRATION		
	TRUST FUND		784,098
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,168,186
2861	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		63,616
2862	EXPENSES		
	FROM GENERAL REVENUE FUND		6,908,842
	FROM ADMINISTRATIVE TRUST FUND		9,197,989
	FROM CORPORATION TAX ADMINISTRATION		
	TRUST FUND		261,559
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,482,195
2863	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		281,979
	FROM ADMINISTRATIVE TRUST FUND		659,101
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,040
2864	SPECIAL CATEGORIES		
	CONTRACT AUDITING		
	FROM GENERAL REVENUE FUND		837,798
	FROM ADMINISTRATIVE TRUST FUND		1,162,200
2865	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - COLLECTION AGENCIES		
	FROM ADMINISTRATIVE TRUST FUND		370,300
2866	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		192,550
	FROM ADMINISTRATIVE TRUST FUND		277,339

SECTION 6			
SPECIFIC			
APPROPRIATION			
2866A	DATA PROCESSING SERVICES		
	INFORMATION MANAGEMENT CENTER - DEPARTMENT		
	OF LABOR AND EMPLOYMENT SECURITY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .	945,843	
2867	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	6,569	
	FROM ADMINISTRATIVE TRUST FUND		1,367,430
TOTAL:	ENFORCED COMPLIANCE		
	FROM GENERAL REVENUE FUND	51,834,886	
	FROM TRUST FUNDS		42,399,658
	TOTAL POSITIONS	1,635	
	TOTAL ALL FUNDS		94,234,544
PROGRAM: INFORMATION SERVICES PROGRAM			
INFORMATION TECHNOLOGY			
2869	SALARIES AND BENEFITS	POSITIONS	165
	FROM GENERAL REVENUE FUND	3,924,977	
	FROM ADMINISTRATIVE TRUST FUND		1,637,452
	FROM CORPORATION TAX ADMINISTRATION		
	TRUST FUND		402,408
	FROM GRANTS AND DONATIONS TRUST FUND . . .		409,605
	FROM WORKING CAPITAL TRUST FUND		1,331,991
2870	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		793,988
	FROM WORKING CAPITAL TRUST FUND		17,680
2871	EXPENSES		
	FROM GENERAL REVENUE FUND	143,512	
	FROM ADMINISTRATIVE TRUST FUND		1,870,568
	FROM CORPORATION TAX ADMINISTRATION		
	TRUST FUND		46,617
	FROM GRANTS AND DONATIONS TRUST FUND . . .		991,317
	FROM WORKING CAPITAL TRUST FUND		4,131,621
2872	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		113,115
	FROM GRANTS AND DONATIONS TRUST FUND . . .		34,094
	FROM WORKING CAPITAL TRUST FUND		644,879
2873	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	6,872	
	FROM ADMINISTRATIVE TRUST FUND		12,256
	FROM WORKING CAPITAL TRUST FUND		3,487
2873A	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF		
	MANAGEMENT SERVICES		
	FROM WORKING CAPITAL TRUST FUND		354,573
2874	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM ADMINISTRATIVE TRUST FUND		3,421,086
2875	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		384,000
TOTAL:	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND	4,075,361	
	FROM TRUST FUNDS		16,600,737
	TOTAL POSITIONS	165	
	TOTAL ALL FUNDS		20,676,098

SECTION 6
 SPECIFIC
 APPROPRIATION
 STATE, DEPARTMENT OF, AND SECRETARY OF STATE
 PROGRAM: OFFICE OF THE SECRETARY AND
 ADMINISTRATIVE SERVICES

From the funds in Specific Appropriations 2877 through 2894, 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, 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.

Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

Percent of clients who indicate assistance is very responsive, as measured by survey.....	60%

Percent of overseas clients who indicate assistance is very responsive.....	96%
=====	

ADVOCATING INTERNATIONAL BUSINESS PARTNERSHIPS

2877	SALARIES AND BENEFITS	POSITIONS	10
	FROM GENERAL REVENUE FUND		307,461
	FROM GRANTS AND DONATIONS TRUST FUND . . .		177,574
Funds in Specific Appropriations 2877 through 2887 are provided for the Office of the Secretary and Administrative Services Program in the Department of State. This program includes the Advocating International Business Partnerships Service. As a result of Amendment No. 8 to the State Constitution, the Secretary of State will no longer be an elected constitutional officer or a member of the Cabinet after January 7, 2003. Chapter 2000-258, L.O.F., was based on the recommendations made by the Constitution Transition Task Force regarding which functions the department should continue to perform. One of the recommendations was to transfer responsibility for linkage institutes from the Department of Education to the Department of State. In order to further analyze the various statutory functions of the department during the transition period from a Cabinet agency to an Executive agency, a Joint International Program Review Team, with analytical support from the Office of Program Policy Analysis and Government Accountability shall conduct a review and evaluation of the agency's programs and services. The review team shall consist of the following members: (a) one individual appointed by the Governor; (b) two individuals appointed by the President of the Senate; and (c) two individuals appointed by the Speaker of the House of Representatives. None of the appointees shall be elected officials. The review and evaluation should consider all expenditures from any appropriation made to the Department of State that are related to the Advocating International Business Partnerships Service and the Office of International Affairs for the period of July 1, 1999 through June 30, 2002. The report should include recommendations of which functions the department should continue to perform. The report of the findings and evaluation shall be submitted to the Governor, President of the Senate and the Speaker of the House of Representatives.			
2878	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		395,000
2879	EXPENSES		
	FROM GENERAL REVENUE FUND		1,021,805
	FROM GRANTS AND DONATIONS TRUST FUND . . .		80,672
2880	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		30,000

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SPECIFIC			
APPROPRIATION			
2881	SPECIAL CATEGORIES		
	INTERNATIONAL REPRESENTATION AND ADVOCACY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .	150,000	
2882	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA ASSOCIATION OF		
	VOLUNTEER AGENCIES FOR CARIBBEAN ACTION		
	FROM GENERAL REVENUE FUND	200,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		533,212
2883	SPECIAL CATEGORIES		
	SISTER CITIES/SISTER STATE GRANTS PROGRAM		
	FROM GENERAL REVENUE FUND	100,000	
2884	SPECIAL CATEGORIES		
	GRANTS AND AIDS - GOVERNOR'S GULF STATES		
	ACCORD		
	FROM GENERAL REVENUE FUND	100,000	
2885	SPECIAL CATEGORIES		
	GRANTS AND AIDS - LINKAGE INSTITUTES		
	FROM GENERAL REVENUE FUND	200,000	
2886	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FREE TRADE AREA OF		
	AMERICAS		
	FROM GENERAL REVENUE FUND	150,000	
2887	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	35,000	
TOTAL:	ADVOCATING INTERNATIONAL BUSINESS PARTNERSHIPS		
	FROM GENERAL REVENUE FUND	2,539,266	
	FROM TRUST FUNDS		941,458
	TOTAL POSITIONS	10	
	TOTAL ALL FUNDS		3,480,724
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2888	SALARIES AND BENEFITS	POSITIONS	64
	FROM GENERAL REVENUE FUND		2,868,176
	FROM CORPORATIONS TRUST FUND		145,998
	FROM DIVISION OF LICENSING TRUST FUND . .		128,182
2890	EXPENSES		
	FROM GENERAL REVENUE FUND	299,202	
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST		
	FUND		251,322
2891	OPERATING CAPITAL OUTLAY		
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST		
	FUND		21,727
2892	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM GENERAL REVENUE FUND	39,619	
2893	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,041	
2894	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	3,212,038	
	FROM TRUST FUNDS		590,402

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SPECIFIC			
APPROPRIATION			
	TOTAL POSITIONS	64	
	TOTAL ALL FUNDS		3,802,440

PROGRAM: ELECTIONS

From the funds in Specific Appropriations 2895 through 2900, the Elections Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 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.....	98%
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

ELECTION RECORDS, LAWS AND CODES

2895	SALARIES AND BENEFITS	POSITIONS	45	
	FROM GENERAL REVENUE FUND		1,569,531	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .			331,097

From the funds and positions in Specific Appropriations 2895 through 2898A, 6 positions and \$629,643 from the General Revenue Fund are provided for Voting System Improvements.

2896	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		3,150	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .			40,320

2897	EXPENSES			
	FROM GENERAL REVENUE FUND		832,543	
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST			
	FUND			621,699
	FROM PUBLICATIONS REVOLVING TRUST FUND . .			313,169

2898	AID TO LOCAL GOVERNMENTS			
	PETITION SIGNATURE VERIFICATION			
	FROM GENERAL REVENUE FUND		75,000	

2898A	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		146,172	

2898B	SPECIAL CATEGORIES			
	VOTING SYSTEMS ASSISTANCE			
	FROM GENERAL REVENUE FUND		20,000,000	

Funds in Specific Appropriation 2898B shall be allocated based upon substantive legislation becoming law which directs the use and distribution of funds for voting system improvements. If substantive legislation fails to become law, the Department of State shall submit a detailed plan to the Legislature for the use and distribution of voting system improvement funds. Such plan shall be subject to Legislative notice and review under s. 216.177, Florida Statutes, prior to the release of any funds.

2899	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		30,657	

2900	SPECIAL CATEGORIES			
	ELECTION FRAUD PREVENTION			
	FROM GENERAL REVENUE FUND		600,000	

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TOTAL: ELECTION RECORDS, LAWS AND CODES		
FROM GENERAL REVENUE FUND	23,257,053	
FROM TRUST FUNDS		1,306,285
TOTAL POSITIONS	45	
TOTAL ALL FUNDS		24,563,338

PROGRAM: HISTORICAL RESOURCES

From the funds in Specific Appropriations 2901 through 2917, the Historical Resources Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance Measures	FY 2001-2002 Standards
OUTCOMES:	
Total number of properties protected or preserved.....	7,900
Percentage of customers satisfied with the quality/ timeliness of technical assistance provided.....	96%
Number of copies or viewings of publications, including web hits.....	4,000,000
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2901	SALARIES AND BENEFITS	POSITIONS	9	
	FROM GENERAL REVENUE FUND		405,287	
2902	EXPENSES			
	FROM GENERAL REVENUE FUND		541,339	
	FROM OPERATING TRUST FUND			116,450
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			51,583
2903	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		887	
	FROM OPERATING TRUST FUND			2,914
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES				
	FROM GENERAL REVENUE FUND		947,513	
	FROM TRUST FUNDS			170,947
	TOTAL POSITIONS		9	
	TOTAL ALL FUNDS			1,118,460

HISTORIC MUSEUMS CONSERVATION

2904	SALARIES AND BENEFITS	POSITIONS	32	
	FROM GENERAL REVENUE FUND		975,189	
	FROM OPERATING TRUST FUND			130,420
2905	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		125,000	
	FROM OPERATING TRUST FUND			135,000
2906	EXPENSES			
	FROM GENERAL REVENUE FUND		693,083	
	FROM OPERATING TRUST FUND			185,056
2906A	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		145,000	

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2907	SPECIAL CATEGORIES			
	GRANTS AND AIDS - HISTORIC MUSEUM GRANTS			
	FROM GENERAL REVENUE FUND		500,000	
	FROM OPERATING TRUST FUND			1,425,000
2907A	FIXED CAPITAL OUTLAY			
	OLD CAPITOL - MUSEUM OF GOVERNANCE AND POLITICAL HISTORY - DMS MGD			
	FROM GENERAL REVENUE FUND		400,000	
	FROM CULTURAL INSTITUTIONS TRUST FUND			1,100,000
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			1,500,000
TOTAL: HISTORIC MUSEUMS CONSERVATION				
	FROM GENERAL REVENUE FUND		2,838,272	
	FROM TRUST FUNDS			4,475,476
	TOTAL POSITIONS		32	
	TOTAL ALL FUNDS			7,313,748

HISTORIC PROPERTIES PRESERVATION

2908	SALARIES AND BENEFITS	POSITIONS	29	
	FROM GENERAL REVENUE FUND		1,147,631	
	FROM OPERATING TRUST FUND			130,030
2909	OTHER PERSONAL SERVICES			
	FROM OPERATING TRUST FUND			385,488
2910	EXPENSES			
	FROM GENERAL REVENUE FUND		326,470	
	FROM OPERATING TRUST FUND			275,000
2911	OPERATING CAPITAL OUTLAY			
	FROM OPERATING TRUST FUND			122,500
2912	SPECIAL CATEGORIES			
	HISTORIC PRESERVATION GRANTS			
	FROM OPERATING TRUST FUND			2,585,870
2912A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES			
	FROM GENERAL REVENUE FUND		17,216,358	

Funds in Specific Appropriation 2912A are provided to fund the historical preservation projects that were selected in accordance with Rule 1A-35.007, Florida Administrative Code.

2912B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY HISTORICAL PROJECTS			
	FROM GENERAL REVENUE FUND		480,000	

Funds in Specific Appropriation 2912B are provided for the following programs and projects:

Old Courthouse Exterior Restoration.....	230,000
Biltmore Complex in Coral Gables.....	250,000

TOTAL: HISTORIC PROPERTIES PRESERVATION				
	FROM GENERAL REVENUE FUND		19,170,459	
	FROM TRUST FUNDS			3,498,888
	TOTAL POSITIONS		29	
	TOTAL ALL FUNDS			22,669,347

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APPROPRIATION
ARCHAEOLOGICAL RESEARCH

2913	SALARIES AND BENEFITS	POSITIONS	26	
	FROM GENERAL REVENUE FUND		676,465	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			325,748
2914	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		27,626	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			2,391,410
	FROM OPERATING TRUST FUND			154,981
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			193,585
2915	EXPENSES			
	FROM GENERAL REVENUE FUND		342,694	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			614,850
	FROM OPERATING TRUST FUND			167,726
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			19,915
2916	OPERATING CAPITAL OUTLAY			
	FROM GRANTS AND DONATIONS TRUST FUND . . .			150,000
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			11,500
2917	DATA PROCESSING SERVICES			
	OTHER DATA PROCESSING SERVICES			
	FROM GENERAL REVENUE FUND		34,746	
TOTAL:	ARCHAEOLOGICAL RESEARCH			
	FROM GENERAL REVENUE FUND		1,081,531	
	FROM TRUST FUNDS			4,029,715
	TOTAL POSITIONS		26	
	TOTAL ALL FUNDS			5,111,246

PROGRAM: CORPORATIONS

From the funds in Specific Appropriations 2918 through 2922, the Corporations Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

Percent client satisfaction with the division's	
services.....	91%

Additional approved performance measures and standards are	
established in the FY 2001-2002 Implementing Bill and are	
incorporated herein by reference.	

COMMERCIAL RECORDINGS AND REGISTRATIONS

2918	SALARIES AND BENEFITS	POSITIONS	194	
	FROM CORPORATIONS TRUST FUND			7,437,943

Funds in Specific Appropriation 2918 through 2922 reflect creation of a Florida secured transaction registry, which shall be maintained by another entity under contract, for the filings under Chapter 679, Florida Statutes. These funds are contingent upon substantive legislation becoming law creating the secured transaction registry and a successful contracting process. In the event that such substantive legislation does not become law, or the contracting process fails, the Executive Office of the Governor is authorized to restore positions and budget within the Department of State to administer filings under Chapter 679, Florida Statutes.

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2919	EXPENSES			
	FROM CORPORATIONS TRUST FUND			4,260,924
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			180,000
2919A	OPERATING CAPITAL OUTLAY			
	FROM CORPORATIONS TRUST FUND			79,950
2920	SPECIAL CATEGORIES			
	RICO ACT - ALIEN CORPORATIONS			
	FROM CORPORATIONS TRUST FUND			200,000
2921	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM CORPORATIONS TRUST FUND			11,964
2922	DATA PROCESSING SERVICES			
	OTHER DATA PROCESSING SERVICES			
	FROM CORPORATIONS TRUST FUND			249,361
TOTAL:	COMMERCIAL RECORDINGS AND REGISTRATIONS			
	FROM TRUST FUNDS			12,420,142
	TOTAL POSITIONS		194	
	TOTAL ALL FUNDS			12,420,142

PROGRAM: LIBRARY AND INFORMATION SERVICES

From the funds in Specific Appropriations 2923 through 2931A, the Library and Information Services Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures	Standards

OUTCOMES:	

Annual increase in use of public library services.....	2%
Annual increase in usage of research collections.....	3%
(State Library)	

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 2001-2002 Implementing Bill and are	
incorporated herein by reference.	

LIBRARY, ARCHIVES AND INFORMATION SERVICES

2923	SALARIES AND BENEFITS	POSITIONS	120	
	FROM GENERAL REVENUE FUND		2,956,399	
	FROM LIBRARY SERVICES TRUST FUND			660,526
	FROM RECORDS MANAGEMENT TRUST FUND			1,019,599
2924	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		136,466	
	FROM LIBRARY SERVICES TRUST FUND			75,826
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			298,984
	FROM RECORDS MANAGEMENT TRUST FUND			16,122
2925	EXPENSES			
	FROM GENERAL REVENUE FUND		2,098,881	
	FROM LIBRARY SERVICES TRUST FUND			425,121
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND			624,795
	FROM RECORDS MANAGEMENT TRUST FUND			542,305

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2926	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - HISTORICAL RECORDS GRANTS FROM LIBRARY SERVICES TRUST FUND		25,000
2926A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY COOPERATIVES FROM GENERAL REVENUE FUND	1,200,000	
2927	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY GRANTS FROM GENERAL REVENUE FUND FROM LIBRARY SERVICES TRUST FUND	32,400,000	6,370,003
2928	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND FROM LIBRARY SERVICES TRUST FUND FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND FROM RECORDS MANAGEMENT TRUST FUND	40,385	7,522 186,500 63,197
2928A	SPECIAL CATEGORIES GRANTS AND AIDS - LITERACY GRANTS FROM GENERAL REVENUE FUND	250,000	
2929	SPECIAL CATEGORIES LIBRARY RESOURCES FROM GENERAL REVENUE FUND FROM LIBRARY SERVICES TRUST FUND	611,389	257,497
2930	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	84,718	
2931	FIXED CAPITAL OUTLAY LIBRARY CONSTRUCTION GRANTS FROM GENERAL REVENUE FUND	6,287,137	

Funds in Specific Appropriation 2931 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.

2931A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY LIBRARY PROJECTS FROM GENERAL REVENUE FUND	200,000
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Funds in Specific Appropriation 2931A are provided for the construction of the Fort Walton Beach Library.

TOTAL: LIBRARY, ARCHIVES AND INFORMATION SERVICES		
FROM GENERAL REVENUE FUND	46,265,375	
FROM TRUST FUNDS		10,572,997
TOTAL POSITIONS	120	
TOTAL ALL FUNDS		56,838,372

PROGRAM: CULTURAL AFFAIRS

From the funds in Specific Appropriations 2932 through 2947A, the Cultural Affairs Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures	Standards
.....	
OUTCOMES:	
.....	
Attendance at supported cultural events.....	22,100,000

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Number of individuals served by professional associations.....	4,000,000
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	
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EXECUTIVE DIRECTION AND SUPPORT SERVICES

2932	SALARIES AND BENEFITS	POSITIONS	19
	FROM GENERAL REVENUE FUND		532,292
	FROM FINE ARTS COUNCIL TRUST FUND		255,398
2933	OTHER PERSONAL SERVICES		
	FROM FINE ARTS COUNCIL TRUST FUND		20,600
	FROM CULTURAL INSTITUTIONS TRUST FUND		79,500
2934	EXPENSES		
	FROM GENERAL REVENUE FUND	67,787	
	FROM COCONUT GROVE PLAYHOUSE TRUST FUND		218,255
	FROM FINE ARTS COUNCIL TRUST FUND		199,486
	FROM CULTURAL INSTITUTIONS TRUST FUND		109,936
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		51,156
2935	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		15,818
2936	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	615,897		
FROM TRUST FUNDS			1,684,331
TOTAL POSITIONS	19		
TOTAL ALL FUNDS			2,300,228

CULTURAL SUPPORT AND DEVELOPMENT GRANTS

2938	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ARTS GRANTS FROM FINE ARTS COUNCIL TRUST FUND FROM CULTURAL INSTITUTIONS TRUST FUND		130,279 2,700,000
2939	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SCIENCES GRANTS FROM CULTURAL INSTITUTIONS TRUST FUND		500,000
2940	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ARTS IN EDUCATION GRANTS FROM GENERAL REVENUE FUND FROM CULTURAL INSTITUTIONS TRUST FUND	250,000	250,000
2941	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL ARTS AGENCIES/ STATE SERVICE ORGANIZATIONS FROM CULTURAL INSTITUTIONS TRUST FUND		400,000
2942	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - YOUTH AND CHILDREN'S MUSEUMS GRANTS FROM CULTURAL INSTITUTIONS TRUST FUND		250,000
2942A	SPECIAL CATEGORIES GRANTS AND AIDS - FINE ARTS ENDOWMENT FROM GENERAL REVENUE FUND	1,440,000	

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Funds provided in Specific Appropriation 2942A are to be divided equally among the following organizations: Bok Tower Gardens Foundation; Caldwell Theatre Company; South Florida Art Center; Florida Holocaust Museum; MOSAIC; and Mote Marine Laboratory.

2943	SPECIAL CATEGORIES GRANTS AND AIDS - CHALLENGE GRANTS FROM CULTURAL INSTITUTIONS TRUST FUND . .	300,000
2944	SPECIAL CATEGORIES GRANTS AND AIDS - CULTURAL EXCHANGE PROGRAM FROM CULTURAL INSTITUTIONS TRUST FUND . .	250,000
2945	SPECIAL CATEGORIES GRANTS AND AIDS - CULTURAL INSTITUTIONS FROM CULTURAL INSTITUTIONS TRUST FUND . .	6,495,872
2946	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES FROM GENERAL REVENUE FUND 278,655 FROM CULTURAL INSTITUTIONS TRUST FUND . .	151,345
2946A	SPECIAL CATEGORIES GRANTS AND AIDS - CULTURAL PROJECTS FROM GENERAL REVENUE FUND 2,008,000	

Funds in Specific Appropriation 2946A are provided for the following programs and projects:

Freedom Towers Museum - Dade.....	100,000
African American Museum of the Arts - Volusia.....	30,000
Smithsonian Marine Station Extension-Public Outreach & Educ	155,000
Bay of Pigs Museum & Library - Dade.....	63,000
Miami Beach Holocaust Memorial.....	100,000
Islamorada Restoration of Pacific Reef Lighthouse.....	10,000
Hallandale Cultural Community Center.....	50,000
Tarpon Springs Heritage Museum & Park.....	150,000
Brandon Main Street Project - Paul's Drive Improvement....	600,000
South Florida Museum/Bishop Planetarium.....	750,000

2947	SPECIAL CATEGORIES GRANTS AND AIDS - STATE TOURING PROGRAM FROM CULTURAL INSTITUTIONS TRUST FUND . .	200,000
2947A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES PROGRAM FROM GENERAL REVENUE FUND 16,069,740	

From the funds in Specific Appropriation 2947A 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.

TOTAL: CULTURAL SUPPORT AND DEVELOPMENT GRANTS	
FROM GENERAL REVENUE FUND 20,046,395	
FROM TRUST FUNDS 11,627,496	
TOTAL ALL FUNDS 31,673,891	

PROGRAM: LICENSING

From the funds in Specific Appropriations 2948 through 2953, the Licensing Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures	Standards

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OUTCOMES:	
Percent of Security, Investigative and Recovery licenses issued within 90 days of receipt of an application.....	87%
Percent of license revocations or suspensions initiated within 20 days of receipt of disqualifying information (all license types).....	85%
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 2001-2002 Implementing Bill and are incorporated herein by reference.	

COMPLIANCE AND ENFORCEMENT

2948	SALARIES AND BENEFITS POSITIONS FROM DIVISION OF LICENSING TRUST FUND . .	136	5,133,974
2949	OTHER PERSONAL SERVICES FROM DIVISION OF LICENSING TRUST FUND . .		362,233
2950	EXPENSES FROM DIVISION OF LICENSING TRUST FUND . .		5,701,654
2951	OPERATING CAPITAL OUTLAY FROM DIVISION OF LICENSING TRUST FUND . .		589,534
2952	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM DIVISION OF LICENSING TRUST FUND . .		102,000
2953	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM DIVISION OF LICENSING TRUST FUND . .		48,729
TOTAL: COMPLIANCE AND ENFORCEMENT			11,938,124
FROM TRUST FUNDS			
TOTAL POSITIONS		136	
TOTAL ALL FUNDS			11,938,124

HISTORIC PRESERVATION BOARDS

PROGRAM: HISTORIC PENSACOLA PRESERVATION BOARD

From the funds in Specific Appropriations 2953A through 2953D, the Historic Pensacola Preservation Program shall meet the following performance standards as required by the Government Performance and Accountability Act of 1994:

Performance	FY 2001-2002
Measures	Standards
OUTCOMES:	
Number of visitors to Board managed properties.....	150,000
Additional approved performance measures and standards are established in the FY 2001-2002 Implementing Bill and are incorporated herein by reference.	

HISTORIC PROPERTIES MANAGEMENT

2953A	SALARIES AND BENEFITS POSITIONS	14
	FROM GENERAL REVENUE FUND	507,029

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2953B	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	53,304
2953C	EXPENSES FROM GENERAL REVENUE FUND	21,447
2953D	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	64,338
2953E	SPECIAL CATEGORIES HISTORIC PENSACOLA PROJECTS FROM GENERAL REVENUE FUND	2,650,000

Funds in Specific Appropriation 2953E are provided for the following programs and projects:

Historic Preservation Board.....	2,000,000
T.T. Wentworth Museum and Historic Pensacola Village.....	650,000

TOTAL: HISTORIC PROPERTIES MANAGEMENT		
FROM GENERAL REVENUE FUND	3,296,118	
TOTAL POSITIONS	14	
TOTAL ALL FUNDS	3,296,118	

PROGRAM: RINGLING MUSEUM OF ART

RINGLING MUSEUM OPERATIONS

2953F	SPECIAL CATEGORIES TRANSFER RINGLING FUNDING TO THE FLORIDA STATE UNIVERSITY FROM CULTURAL INSTITUTIONS TRUST FUND . .	2,256,646
TOTAL OF SECTION 6 POSITIONS 21,128		
FROM GENERAL REVENUE FUND	818,792,364	
FROM TRUST FUNDS	2289,859,817	
TOTAL ALL FUNDS	3108,652,181	

SECTION 7 - JUDICIAL BRANCH

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.

The agencies receiving appropriations from the judicial branch section of this act must submit a report to the Senate Appropriations Committee, the House Fiscal Responsibility Council, and the Governor's Office of Policy and Budget by November 1, 2001 detailing the following for FY 2000-01:

1. Number and percentage of employees who separate from the agency during the fiscal year (including the position numbers for vacated positions);
2. Total salaries and benefits lapse funding generated by vacancies that exceed the appropriated lapse;
3. Amount of salaries and benefits lapse funding spent from the salaries and benefits category for legislatively authorized bonuses and/or special pay increases;
4. Amount of salaries and benefits lapse funding transferred to cover expenditures other than salaries and benefits, such as expense, OPS, etc., and an explanation why such expenditures were necessary; and

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5. Management plan to reduce employee turnover and resulting vacancy rates for FY 02-03.

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 2954 through 3033, provided to pay the salaries of judges and their judicial assistants, 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

2954	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	88	5,656,927
2955	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	133,278	
2956	EXPENSES FROM GENERAL REVENUE FUND	1,065,118	
2957	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	72,945	
2958	SPECIAL CATEGORIES DISCRETIONARY FUNDS OF THE CHIEF JUSTICE FROM GENERAL REVENUE FUND	5,000	
Funds in Specific Appropriation 2958 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.			
2959	SPECIAL CATEGORIES SUPREME COURT LAW LIBRARY FROM GENERAL REVENUE FUND	339,597	
2960	SPECIAL CATEGORIES COMPUTER SUBSCRIPTION SERVICES FROM GENERAL REVENUE FUND	189,010	
TOTAL: COURT OPERATIONS - SUPREME COURT			
FROM GENERAL REVENUE FUND	7,461,875		
TOTAL POSITIONS		88	
TOTAL ALL FUNDS			7,461,875

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2961	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND FROM COURT EDUCATION TRUST FUND FROM MEDIATION AND ARBITRATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND FROM FAMILY COURTS TRUST FUND	132	6,123,601	180,040	282,568	331,935	325,826
2962	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM COURT EDUCATION TRUST FUND FROM MEDIATION AND ARBITRATION TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND FROM FAMILY COURTS TRUST FUND	259,738		158,500	265,000	85,000	14,600

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2963	EXPENSES		
	FROM GENERAL REVENUE FUND	1,533,202	
	FROM COURT EDUCATION TRUST FUND		1,259,447
	FROM MEDIATION AND ARBITRATION TRUST FUND		212,024
	FROM GRANTS AND DONATIONS TRUST FUND		94,697
	FROM FAMILY COURTS TRUST FUND		59,574
2964	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	949,652	
2965	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	97,318	
2966	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	134,086	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	9,097,597	
	FROM TRUST FUNDS		3,269,211
	TOTAL POSITIONS	132	
	TOTAL ALL FUNDS		12,366,808

ADMINISTERED FUNDS - JUDICIAL

COURT OPERATIONS - ADMINISTERED FUNDS

2967	AID TO LOCAL GOVERNMENTS		
	CONFLICT COUNSEL DEMONSTRATION PROJECT		
	FROM COUNTY ARTICLE V TRUST FUND		5,707,000

Funds in Specific Appropriation 2967, from the County Article V Trust Fund, are provided to continue the criminal trial court conflict counsel pilot projects initially approved in the FY 2000-01 General Appropriations Act, as follows:

- \$ 285,350 for Polk County;
- \$ 4,280,250 for Dade County; and
- \$ 1,141,400 for Hillsborough County.

2968	AID TO LOCAL GOVERNMENTS		
	CONTINGENCY FUND FOR SMALL COUNTIES FOR EXTRAORDINARY CASE RELATED EXPENSES		
	FROM COUNTY ARTICLE V TRUST FUND		1,000,000

Funds in Specific Appropriation 2968 are provided for counties with populations less than 90,000 to cover extraordinary and unforeseen criminal trial case-related costs.

2969	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ARTICLE V		
	FROM COUNTY ARTICLE V TRUST FUND		10,793,268

The funds in Specific Appropriation 2969 shall be distributed as follows: counties with populations less than 90,000 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 Appropriations Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budgeting describing the distribution of these funds for FY 01-02.

2970	AID TO LOCAL GOVERNMENTS		
	SMALL COUNTY COURTHOUSE FACILITIES		
	FROM COUNTY ARTICLE V TRUST FUND		3,338,186

The funds in Specific Appropriation 2970, are provided for consulting or architectural studies related to the improvement of courthouse

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	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 (CBIR 135).....		150,000
	Calhoun.....		100,000
	Columbia (CBIR 68).....		100,000
	Dixie (CBIR 2145).....		100,000
	Gilchrist (CBIR 2227).....		250,000
	Glades (CBIR 1018).....		250,000
	Gulf (CBIR 2069).....		100,000
	Hamilton (CBIR 2357).....		250,000
	Hardee		413,186
	Hendry (CBIR 1884).....		200,000
	Holmes (CBIR 197).....		150,000
	Lafayette (CBIR 2357).....		150,000
	Madison (CBIR 2462).....		75,000
	Okeechobee (CBIR 158).....		500,000
	Taylor (CBIR 2238).....		150,000
	Union (CBIR 446).....		75,000
	Walton (CBIR 1526).....		225,000
	Washington.....		100,000

2972 SPECIAL CATEGORIES
SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT
CONFLICT CASES
FROM COUNTY ARTICLE V TRUST FUND

250,000

Funds in Specific Appropriation 2972 for Sexually Violent Predator Civil Commitment conflict cases shall be used 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. Additionally, these funds may be used for case-related expenses associated with Sexually Violent Predator Civil Commitment cases, including, but not limited to, expert witness fees and court reporter costs. If the funds in Specific Appropriation 2972 are insufficient to meet the reasonable and necessary court appointed attorney fees and case-related expenses 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.

2973	SPECIAL CATEGORIES		
	COMPENSATION TO RETIRED JUDGES		
	FROM GENERAL REVENUE FUND		2,864,581

2974	SPECIAL CATEGORIES		
	JUDICIAL NOMINATING COMMISSION - EXPENSES		
	FROM GENERAL REVENUE FUND		13,576

2975	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES		
	FROM GENERAL REVENUE FUND		5,136,910

2976	SPECIAL CATEGORIES		
	MEALS AND LODGING FOR JURORS		
	FROM GENERAL REVENUE FUND		215,825

2977	SPECIAL CATEGORIES		
	FLORIDA CASES SOUTHERN 2ND REPORTER		
	FROM GENERAL REVENUE FUND		443,035

From the funds in Specific Appropriation 2977, \$41,250 is contingent upon passage of legislation authorizing new judgeships.

2978	SPECIAL CATEGORIES		
	STATEWIDE GRAND JURY - EXPENSES		
	FROM GENERAL REVENUE FUND		157,914

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2978A SPECIAL CATEGORIES
GRANTS AND AIDS - COURT REPORTER SERVICES
FROM COUNTY ARTICLE V TRUST FUND 3,525,887

Funds provided in Specific Appropriation 2978A 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 1999-2000 felony filings per county.

2978B SPECIAL CATEGORIES
GRANTS AND AIDS - STATE ATTORNEY AND
PUBLIC DEFENDER OPERATIONS
FROM COUNTY ARTICLE V TRUST FUND 3,495,589

Funds in Specific Appropriation 2978B shall be distributed to the offices of the State Attorneys and Public Defenders as follows:

STATE ATTORNEYS:

First Judicial Circuit.....	85,752
Second Judicial Circuit.....	51,249
Third Judicial Circuit.....	29,472
Fourth Judicial Circuit.....	141,054
Fifth Judicial Circuit.....	84,763
Sixth Judicial Circuit.....	174,636
Seventh Judicial Circuit.....	93,663
Eighth Judicial Circuit.....	53,712
Ninth Judicial Circuit.....	128,394
Tenth Judicial Circuit.....	80,218
Eleventh Judicial Circuit.....	334,780
Twelfth Judicial Circuit.....	77,778
Thirteenth Judicial Circuit.....	137,647
Fourteenth Judicial Circuit.....	41,418
Fifteenth Judicial Circuit.....	134,584
Sixteenth Judicial Circuit.....	26,936
Seventeenth Judicial Circuit.....	200,865
Eighteenth Judicial Circuit.....	111,484
Nineteenth Judicial Circuit.....	57,915
Twentieth Judicial Circuit.....	100,205

PUBLIC DEFENDERS:

First Judicial Circuit.....	62,142
Second Judicial Circuit.....	43,440
Third Judicial Circuit.....	20,416
Fourth Judicial Circuit.....	84,640
Fifth Judicial Circuit.....	42,555
Sixth Judicial Circuit.....	111,667
Seventh Judicial Circuit.....	59,633
Eighth Judicial Circuit.....	37,564
Ninth Judicial Circuit.....	74,048
Tenth Judicial Circuit.....	58,135
Eleventh Judicial Circuit.....	194,791
Twelfth Judicial Circuit.....	50,622
Thirteenth Judicial Circuit.....	103,774
Fourteenth Judicial Circuit.....	29,858
Fifteenth Judicial Circuit.....	98,831
Sixteenth Judicial Circuit.....	23,112
Seventeenth Judicial Circuit.....	118,533
Eighteenth Judicial Circuit.....	52,274
Nineteenth Judicial Circuit.....	38,084
Twentieth Judicial Circuit.....	44,945

TOTAL: COURT OPERATIONS - ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND 8,831,841
FROM TRUST FUNDS 28,109,930

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TOTAL ALL FUNDS 36,941,771

PROGRAM: DISTRICT COURTS OF APPEAL

COURT OPERATIONS - 1ST DISTRICT COURT OF APPEAL

2979 SALARIES AND BENEFITS	POSITIONS	107	
FROM GENERAL REVENUE FUND			7,603,901
2980 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND			71,681
2981 EXPENSES			
FROM GENERAL REVENUE FUND			731,502
2982 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND			53,942
2983 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND			24,612
2984 SPECIAL CATEGORIES			
DISTRICT COURT OF APPEAL LAW LIBRARY			
FROM GENERAL REVENUE FUND			148,963
TOTAL: COURT OPERATIONS - 1ST DISTRICT COURT OF APPEAL			
FROM GENERAL REVENUE FUND			8,634,601
TOTAL POSITIONS		107	
TOTAL ALL FUNDS			8,634,601

COURT OPERATIONS - 2ND DISTRICT COURT OF APPEAL

2985 SALARIES AND BENEFITS	POSITIONS	98	
FROM GENERAL REVENUE FUND			7,005,630
2986 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND			59,629
2987 EXPENSES			
FROM GENERAL REVENUE FUND			467,752
2988 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND			22,297
2989 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND			5,264
2990 SPECIAL CATEGORIES			
DISTRICT COURT OF APPEAL LAW LIBRARY			
FROM GENERAL REVENUE FUND			148,116
TOTAL: COURT OPERATIONS - 2ND DISTRICT COURT OF APPEAL			
FROM GENERAL REVENUE FUND			7,708,688
TOTAL POSITIONS		98	
TOTAL ALL FUNDS			7,708,688

COURT OPERATIONS - 3RD DISTRICT COURT OF APPEAL

2991 SALARIES AND BENEFITS	POSITIONS	75	
FROM GENERAL REVENUE FUND			5,589,719
2992 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND			144,257
2993 EXPENSES			
FROM GENERAL REVENUE FUND			436,811

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2994	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		34,845
2995	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		9,066
2996	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		6,357,520
	TOTAL POSITIONS	75	
	TOTAL ALL FUNDS		6,357,520
COURT OPERATIONS - 4TH DISTRICT COURT OF APPEAL			
2997	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	85	6,235,125
2998	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		132,462
2999	EXPENSES FROM GENERAL REVENUE FUND		672,491
3000	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		38,345
3001	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		4,409
3002	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		7,208,028
	TOTAL POSITIONS	85	
	TOTAL ALL FUNDS		7,208,028
COURT OPERATIONS - 5TH DISTRICT COURT OF APPEAL			
3003	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	69	4,942,746
3004	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		72,792
3005	EXPENSES FROM GENERAL REVENUE FUND		543,630
3006	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		18,359
3007	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND		9,349
3008	SPECIAL CATEGORIES DISTRICT COURT OF APPEAL LAW LIBRARY FROM GENERAL REVENUE FUND		110,265
TOTAL:	COURT OPERATIONS - 5TH DISTRICT COURT OF APPEAL FROM GENERAL REVENUE FUND		5,697,141
	TOTAL POSITIONS	69	
	TOTAL ALL FUNDS		5,697,141

SECTION 7 SPECIFIC APPROPRIATION PROGRAM: TRIAL COURTS			
COURT OPERATIONS - CIRCUIT COURTS			
3009	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	1,772	136,482,456
	FROM GRANTS AND DONATIONS TRUST FUND		683,745
	FROM FAMILY COURTS TRUST FUND		4,508,453
From the funds in Specific Appropriations 3009, 3010, 3011, 3015 and 3023A, the following is provided for Dependency Court programs:			
\$ 154,054 in recurring General Revenue and 2 FTE for the Fifth Judicial Circuit;			
\$ 499,736 in recurring General Revenue and 8 FTE for the Thirteenth Judicial Circuit;			
\$ 420,200 in recurring General Revenue and 5 FTE for the Seventeenth Judicial Circuit (CBIR 1852);			
\$ 499,736 in recurring General Revenue and 8 FTE for the Eighteenth Judicial Circuit; and			
\$ 168,500 in recurring General Revenue to develop an integrated information system for dependency and other court cases.			
From the funds and positions provided in Specific Appropriations 3009, 3011, and 3015, \$1,592,002 and 36 positions, \$248,576, and \$117,000, respectively, from General Revenue are contingent upon legislation authorizing new judgeships becoming law.			
3010	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		792,337
	FROM GRANTS AND DONATIONS TRUST FUND		1,100,614
	FROM FAMILY COURTS TRUST FUND		61,500
3011	EXPENSES FROM GENERAL REVENUE FUND		4,576,585
	FROM GRANTS AND DONATIONS TRUST FUND		249,477
	FROM FAMILY COURTS TRUST FUND		556,082
3012	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - TRUANCY PROGRAM FROM GENERAL REVENUE FUND		200,000
3013	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - CIVIL TRAFFIC INFRACTION HEARING OFFICERS FROM GENERAL REVENUE FUND		695,000
3015	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		219,100
3017	SPECIAL CATEGORIES GRANTS AND AIDS - MODEL DEPENDENCY COURT PILOT FROM GENERAL REVENUE FUND		186,520
3018	SPECIAL CATEGORIES GRANTS AND AIDS - FOSTER CARE CITIZEN REVIEW PANEL FROM GENERAL REVENUE FUND		825,296
	FROM GRANTS AND DONATIONS TRUST FUND		300,000
Funds in Specific Appropriation 3018 are provided to continue and enhance the following Citizen Foster Care Review Panel and/or Board contracts:			
\$ 256,000 in recurring General Revenue for the Fourth Judicial Circuit (CBIR 1037);			
\$ 200,000 in recurring General Revenue for Marion County (CBIR 414) and			
\$ 60,000 in recurring General Revenue for Hernando County in the Fifth Judicial Circuit;			
\$ 75,000 in recurring General Revenue and \$ 300,000 in the Grants and Donations Trust Fund for the Eleventh Judicial Circuit;			

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\$ 121,796 in recurring General Revenue for Manatee County in the Twelfth Judicial Circuit (CBIR 1012); and
\$ 112,500 in recurring General Revenue for the Fifteenth Judicial Circuit.

All funds appropriated to Citizen Foster Care Review programs shall be used to offset the administrative, training and other costs associated with implementing and maintaining these programs, as defined in section 39.702, Florida Statutes, as well as standards of operation which may be promulgated by the Florida Supreme Court.

3018A SPECIAL CATEGORIES
DRUG COURTS
FROM GENERAL REVENUE FUND 760,000

Funds in Specific Appropriation 3018A are provided to establish or enhance the following drug court programs:

\$ 360,000 in recurring General Revenue for the Brevard County Drug Court (CBIR 978); and
\$ 400,000 in recurring General Revenue for the Pinellas County Drug Court Program (CBIR 2716).

3019 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT SYSTEM SERVICES
FOR CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 892,656

Funds in Specific Appropriation 3019 are provided for the following programs:

\$ 692,656 in recurring General Revenue is provided to the Voices For Children Foundation for the Guardian Ad Litem Program and TPR Unit in Dade County; and

\$ 200,000 in recurring General Revenue is provided for the Children's Advocacy Center in Hillsborough County.

3020 SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY COURTS
FROM FAMILY COURTS TRUST FUND 389,246

3021 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 585,360

3022 SPECIAL CATEGORIES
CIRCUIT COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 2,000

3023A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 108,500

TOTAL: COURT OPERATIONS - CIRCUIT COURTS
FROM GENERAL REVENUE FUND 146,325,810
FROM TRUST FUNDS 7,849,117

TOTAL POSITIONS 1,772
TOTAL ALL FUNDS 154,174,927

COURT OPERATIONS - COUNTY COURTS

3024 SALARIES AND BENEFITS POSITIONS 560
FROM GENERAL REVENUE FUND 52,423,427

From the funds and positions provided in Specific Appropriations 3024, 3025, and 3025A, \$967,664 and 22 positions, \$153,736 and \$77,000, respectively, from General Revenue are contingent upon legislation authorizing new judgeships becoming law.

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3025 EXPENSES
FROM GENERAL REVENUE FUND 337,832

3025A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 77,000

3026 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 275,855

Funds are provided in Specific Appropriation 3026 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 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.

3027 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 87,811

TOTAL: COURT OPERATIONS - COUNTY COURTS
FROM GENERAL REVENUE FUND 53,201,925

TOTAL POSITIONS 560
TOTAL ALL FUNDS 53,201,925

PROGRAM: JUDICIAL QUALIFICATIONS COMMISSION

JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS

3028 SALARIES AND BENEFITS POSITIONS 3
FROM GENERAL REVENUE FUND 198,474

3029 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 224,522

3030 EXPENSES
FROM GENERAL REVENUE FUND 149,403

3031 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,706

3032 LUMP SUM
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 173,300

Funds in Specific Appropriation 3032 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.

3033 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,903

TOTAL: JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS
FROM GENERAL REVENUE FUND 751,308

TOTAL POSITIONS 3
TOTAL ALL FUNDS 751,308

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TOTAL OF SECTION 7	POSITIONS	2,989
FROM GENERAL REVENUE FUND	261,276,334	
FROM TRUST FUNDS		39,228,258
TOTAL ALL FUNDS		300,504,592

SECTION 8. SALARIES AND BENEFITS - Fiscal Year 2001-2002

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 2001-2002 salary and benefit increases provided in Specific Appropriations 194 through 197, 214, and 2102. 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, 2000, inclusive of the 2000-2001 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 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.

Pay Grade Adjustments

It is the intent of the Legislature that minimums and maximums of each pay grade shall be increased by 2.5 percent, effective November 1, 2001; however, minimums and maximums of pay grades applicable to members of the Security Services Bargaining Unit shall be increased by 4.5 percent, effective November 1, 2001.

After the maximum of the pay grade is increased by the competitive pay adjustment, if an employee's base rate of pay is equal to or greater than the adjusted 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 adjusted 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 2102 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 2102 which are different from the funds recommended in 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 4.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.
- 2) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in 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 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

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Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

3) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in 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 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

4) Based on the funds provided in Specific Appropriation 2102 which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Professional Health Care longevity pay plan to receive an upward competitive pay adjustment of 2.5 percent on each employee's anniversary date. The competitive pay adjustments authorized pursuant to this subparagraph and any lump sum payments agreed to in collective bargaining shall not exceed the cost of an annualized 2.5 percent pay adjustment.

5) From the funds provided in Specific Appropriation 2102, funds are provided to grant each eligible employee represented by the American Federation of State, County, and Municipal Employees, Council 79, a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

6) From the funds in Specific Appropriation 2102, for all eligible Career Service employees not included in a represented collective bargaining unit, funds are provided for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

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B. BOARD OF REGENTS OR ITS SUCCESSOR

1) University Support Personnel (USPS)

Effective November 1, 2001, for all eligible USPS unit and non-unit employees, funds are provided in Specific Appropriations 194 through 197, and 214 for a 2.5 percent competitive pay adjustment on each employee's October 31, 2001, base rate of pay.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

2) Administrative and Professional (A&P) Personnel

Effective November 1, 2001, for all eligible A & P unit and non-unit employees, funds are provided in Specific Appropriations 194 through 197 and 214 for a 2.5 percent competitive pay adjustment on each employee's October 31, 2001, base rate of pay.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

3) General Faculty

a. Funds are provided in Specific Appropriations 194 through 197 and 214, for average 2.5 percent competitive pay adjustments on the base salaries of eligible non-unit employees, effective November 1, 2001. These funds are to be distributed as prescribed in salary guidelines issued by the Chancellor.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

b. Funds are provided in Specific Appropriations 194 through 197 and 214, for average 2.5% competitive pay adjustments on the base salaries of eligible unit employees, effective November 1, 2001. These funds shall be distributed in accordance with the negotiated collective bargaining agreement between the Board of Regents and the United Faculty of Florida.

c. Funds are provided in Specific Appropriations 194 through 197 and 214, for average 2.5 percent competitive pay adjustments on the base salaries of graduate assistants (UF, USF, and FAMU) and graduate health profession assistants, effective November 1, 2001. These funds shall be distributed in accordance with the negotiated collective bargaining agreements of the unit graduate assistants between the Board of Regents and the United Faculty of Florida and as prescribed in salary guidelines issued by the Chancellor for the non-unit graduate assistants. Increases for graduate health profession assistants, e.g., residents and

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other house staff, shall be distributed in accordance with the terms of the contracts required by the appropriate accrediting agencies.

C. EXEMPT FROM CAREER SERVICE

1) Elected officers and full-time members of commissions:

Specific Appropriation 2102 includes funding to provide salary increases on base salary, effective November 1, 2001. 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:

	7/1/01	11/1/01
Governor.....	\$ 120,171	\$ 123,175
Lieutenant Governor.....	115,112	117,990
Secretary of State.....	118,957	121,931
Comptroller.....	118,957	121,931
Treasurer.....	118,957	121,931
Attorney General.....	118,957	121,931
Education, Commissioner of.....	118,957	121,931
Agriculture, Commissioner of.....	118,957	121,931
Supreme Court Justice.....	150,000	153,750
Judges-District Courts of Appeal.....	138,500	141,963
Judges-Circuit Courts.....	130,000	133,250
Judges-County Courts.....	117,000	119,925
Commissioner-Public Service Commission.....	119,946	122,945
Public Employees Relations Commission Chrm..	85,853	87,999
Public Employees Relations Commission Commissioners.....	81,242	83,273
Commissioner-Parole and Probation.....	81,242	83,273

State Attorneys:

Circuits with 1,000,000 Population or less..	133,840	137,186
Circuits over 1,000,000 Population.....	133,840	141,963

Public Defenders:

Circuits with 1,000,000 Population or less..	128,484	131,696
Circuits over 1,000,000 Population.....	128,484	136,284

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 2102, for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

b. Based on the funds provided in Specific Appropriation 2102, which are different from the funds recommended in the negotiated collective bargaining agreement, it is the intent of the Legislature for all eligible unit and non-unit employees assigned to the Selected Exempt Service physicians bargaining unit to receive a competitive pay adjustment of 2.5 percent on each employee's anniversary date. The competitive pay adjustments authorized pursuant to this subparagraph and any lump-sum payments agreed to in collective bargaining shall not exceed the costs of an annualized 2.5 percent pay adjustment.

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3) CAREER SERVICE EXEMPT AND THE FLORIDA NATIONAL GUARD:

Funds are provided in Specific Appropriation 2102 for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

D. JUDICIAL

Funds are provided in Specific Appropriation 2102, for a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

E. LOTTERY

Funds are provided in Specific Appropriation 2102, to grant each eligible unit and non-unit Lottery employee a competitive pay adjustment of 2.5 percent on each employee's October 31, 2001, base rate of pay, effective November 1, 2001.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

F. FLORIDA SCHOOL FOR THE DEAF AND THE BLIND:

Funds are provided in Specific Appropriation 2102, 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 October 31, 2001, base rate of pay, effective November 1, 2001. 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.

Each eligible full-time employee shall receive an annualized minimum increase of \$600. If the competitive pay adjustment is less than \$600, each employee shall receive an additional increase which provides the employee a total annualized increase of \$600. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. If an employee's established work schedule is less than 12 months, the pay adjustment shall be prorated based on the number of months approved in the work schedule.

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G. SPECIAL PAY ISSUES

1) From the funds in Specific Appropriation 2102, \$10,261,944 from the General Revenue Fund and \$5,277,571 from Trust Funds are appropriated for nonrecurring lump-sum performance bonuses, effective June 1, 2002. Such funds shall be distributed to each agency in an amount equal to 0.25 percent of the agency's aggregate base salaries as of June 30, 2001. Each agency shall develop a plan for awarding bonuses and submit such plan to the Office of Policy and Budget. This appropriation is contingent upon HB 369 or SB 466 or similar legislation becoming a law.

2) Effective June 1, 2002, from funds in Specific Appropriation 2102, \$108,778 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 provide a 2 percent performance based increase for those employees who exceed performance expectations outlined in employee work plans.

3) From funds in Specific Appropriation 2102, \$200,846 from the General Revenue Fund are provided to the Department of Law Enforcement to fund on-call fees to be paid to special agents and their supervisors as described in the agency's legislative budget request (issue code 4002A00).

4) From funds in Specific Appropriation 2102, \$143,746 from the General Revenue Fund and \$84,420 from the Administrative Trust Fund are provided to the Department of Revenue to address the restructuring of counter staffing at service centers as described in the agency's legislative budget request (issue code 4500A40).

5)(a) Effective January 1, 2002, from the funds in Specific Appropriation 2102, \$3,875,847 from the General Revenue Fund is provided to the State Attorneys for competitive pay adjustments for employees assigned or appointed to the classes of Assistant State Attorney and Legal Trainee. Such funds shall be distributed as follows:

Judicial Circuit	Salary and Benefits
Circuit 1.....	\$ 127,537
Circuit 2.....	85,606
Circuit 3.....	75,092
Circuit 4.....	144,406
Circuit 5.....	200,742
Circuit 6.....	277,510
Circuit 7.....	129,497
Circuit 8.....	164,704
Circuit 9.....	289,002
Circuit 10.....	152,674
Circuit 11.....	652,874
Circuit 12.....	121,899
Circuit 13.....	180,054
Circuit 14.....	51,671
Circuit 15.....	177,876
Circuit 16.....	31,255
Circuit 17.....	447,653
Circuit 18.....	244,207
Circuit 19.....	139,136
Circuit 20.....	182,452

(b) It is the intent of the Legislature that the State Attorneys adjust their pay plan effective January 1, 2002 to provide the following minimum annual salary rates for full-time equivalent positions:

- 1. Assistant State Attorney \$35,931
- 2. Legal Trainee \$30,000

The funds provided to each circuit shall be used to compensate any person filling a position in the Assistant State Attorney or Legal Trainee classes at no less than the applicable minimum annual salary rate for the respective class.

(c) It is the intent of the Legislature that the remaining funds provided pursuant to this subparagraph shall be used, at the discretion

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of the State Attorney, to recruit and retain Assistant State Attorneys to achieve the following outcomes:

1. Reduce turnover of Assistant State Attorneys with less than 5 years of experience; and
2. Increase the compensation of Assistant State Attorneys in a manner commensurate with their performance and their commitment to the State Attorney to continue their employment or appointment with that State Attorney's Office.

For purposes of this paragraph, "turnover" is measured by the number of Assistant State Attorneys who voluntarily separate from employment from the State Attorney's office during the fiscal year.

(d) It is the intent of the Legislature that the State Attorneys shall utilize the applicable provisions of Chapter 216, Florida Statutes, to request the appropriate adjustments of the salary rate and trust fund authority as necessary to implement the minimum annual salary rate adjustments for those Assistant State Attorney and Legal Trainee positions funded by trust funds.

6)(a) Effective January 1, 2002, from the funds in Specific Appropriation 2102, \$2,277,617 from the General Revenue Fund is provided to the Public Defenders for competitive pay adjustments for employees assigned or appointed to the classes of Assistant Public Defenders and Legal Trainee. Such funds shall be distributed as follows:

Judicial Circuit	Salary and Benefits
Circuit 1.....	\$ 93,103
Circuit 2.....	57,961
Circuit 2 - Appellate.....	44,080
Circuit 3.....	31,130
Circuit 4.....	193,226
Circuit 5.....	87,744
Circuit 6.....	183,751
Circuit 7.....	131,670
Circuit 7 - Appellate.....	80,278
Circuit 8.....	114,276
Circuit 9.....	142,612
Circuit 10.....	81,738
Circuit 10 - Appellate.....	42,857
Circuit 11.....	159,672
Circuit 11 - Appellate.....	27,297
Circuit 12.....	69,853
Circuit 13.....	116,800
Circuit 14.....	33,226
Circuit 15.....	138,737
Circuit 15 - Appellate.....	41,071
Circuit 16.....	35,741
Circuit 17.....	126,889
Circuit 18.....	83,880
Circuit 19.....	52,415
Circuit 20.....	107,610

(b) It is the intent of the Legislature that the Public Defenders adjust their pay plan effective January 1, 2002, to provide the following minimum annual salary rates for full-time equivalent positions:

1. Assistant Public Defender	\$35,931
2. Legal Trainee	\$30,000

The funds provided to each circuit shall be used to compensate any person filling a position in the Assistant Public Defender or Legal Trainee classes no less than at the applicable minimum annual salary rate for the respective class.

(c) It is the intent of the Legislature that the remaining funds provided pursuant to this subparagraph shall be used, at the discretion of the Public Defender, to recruit and retain Assistant Public Defenders to achieve the following outcomes:

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1. Reduce turnover of Assistant Public Defenders with less than 5 years of experience; and

2. Increase the compensation of Assistant Public Defenders in a manner commensurate with their performance and their commitment to the Public Defender to continue their employment or appointment with that Public Defender's Office.

For purposes of this paragraph, "turnover" is measured by the number of Assistant Public Defenders who voluntarily separate from employment from the Public Defender's office during the fiscal year.

(d) It is the intent of the Legislature that the Public Defenders shall utilize the applicable provisions of Chapter 216, Florida Statutes, to request the appropriate adjustments of the salary rate and trust fund authority as necessary to implement the minimum annual salary rate adjustments for those Assistant Public Defenders and Legal Trainee positions funded by trust funds.

6)(a) Effective January 1, 2002, from the funds in Specific Appropriation 2102, \$107,621 from the General Revenue fund is provided to the Capital Collateral Regional Counsels for competitive pay adjustments for employees assigned or appointed to the classes of Assistant Capital Collateral Regional Counsels, Legal Assistants and Legal Trainees, as follows:

Region	Salaries and Benefits
Northern	21,027
Middle	47,328
Southern	39,266

(b) It is the intent of the Legislature that the Capital Collateral Regional Counsels amend their pay plan, effective January 1, 2002, to provide minimum annual salary rates for the following:

Assistant Capital Collateral Regional Counsel	\$35,931
Legal Assistant	\$30,000
Legal Trainee	\$30,000

The funds provided to each region shall be used to compensate any person filling a position in the Assistant Capital Collateral Regional Counsel, Legal Assistant, or Legal Trainee classes at no less than the applicable minimum annual salary rate for the respective classes.

(c) It is the intent of the Legislature that the remaining funds provided pursuant to this subparagraph shall be used, at the discretion of the Capital Collateral Regional Counsel, to recruit and retain Assistant Capital Collateral Regional Counsels to achieve the following outcomes:

1. Reduce turnover of Assistant Capital Collateral Regional Counsels with less than 5 years of experience; and

2. Increase the compensation of assistant Capital Collateral Regional Counsels in a manner commensurate with their performance and their commitment to the Capital Collateral Regional Counsel to continue their employment or appointment with that Capital Collateral Regional Counsel's office.

For the purposes of this paragraph, "turnover" is measured by the number of Assistant Capital Collateral Regional Counsels who voluntarily separate from employment or appointment with that Capital Collateral Regional Counsel's Office.

7) Effective November 1, 2001, from the funds in Specific Appropriation 2102, \$366,883 from the General Revenue Fund are provided to the Judicial Branch to fund a competitive pay adjustment for deputy court administrators, senior deputy court administrators and deputy marshals and to provide for the creation of a chief deputy court administrator class.

2. BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE

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A. 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, 2001, through October 31, 2001, the state share of the State Group Health Insurance Plan premiums and the state share of the health maintenance organization 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.

Additionally, funds are provided in Specific Appropriation 2104, to pay the state share of the State Group Health Insurance Plan premiums and the state share of health maintenance organization premiums to the executive, legislative and judicial branch agencies which shall increase, effective November 1, 2001, from \$191.52 per month to \$220.24 per month for individual coverage and from \$391.60 per month to \$450.34 per month for family coverage.

B. For the period of July 1, 2001, through October 31, 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.

Effective November 1, 2001, the employee's share of health insurance premiums shall increase from \$32.30 per month to \$37.14 per month for individual coverage and from \$116.20 per month to \$133.62 per month for family coverage.

C. Under the State Employees' Prescription Drug Program, the following shall apply:

1) Supply limits shall continue as provided in s. 110.12315, Florida Statutes.

2) For the period July 1, 2001, through June 30, 2002, co-payments:

- a. \$7 co-payment for generic drugs with card;
- b. \$20 co-payment for preferred brand name drugs with card;
- c. \$35 co-payment for non-preferred brand name drugs with card;
- d. \$10.50 co-payment for generic mail order drugs;
- e. \$30 co-payment for preferred brand name mail order drugs; and
- f. \$52.50 co-payment for non-preferred brand name mail order drugs.

3) The Department of Management Services shall maintain the preferred brand name drug list to be used in the administration of the State Employees' Prescription Drug Program.

D. 1) Under the State Group Insurance Program, the co-payments for physician office visits shall continue at \$10.

2) Co-payments for prescription drugs with health maintenance organizations shall continue at \$7 co-payment for generic drugs, \$20 co-payment for preferred brand name drugs, and \$32.50 co-payment for non-preferred brand name drugs.

E. 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 both the chair of the Senate Budget Committee and the chair of the House Fiscal Responsibility Council determine that such a statement is not necessary.

F. 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.

G. 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.

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3. OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this Act and with the negotiated collective bargaining agreements:

A. Based on a reduction in funding, the state shall not 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. The state shall not provide the tuition-free courses at community colleges.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

C. Continue to provide, at current levels, clothing allowances and uniform maintenance and shoe allowances.

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) All collective bargaining issues regarding Article 25 "Wages" shall be resolved herein pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES" and the relevant provisions of the Conference Report on Senate Bill 2002.

2) All collective bargaining issues regarding Article 27 "Insurance Benefits" shall be resolved herein pursuant to the instructions provided in this Section under Item "2. BENEFITS" and the relevant provisions of the Conference Report on Senate Bill 2002 .

3) All collective bargaining issues regarding lump-sum bonus payments for the 2000-2001 fiscal year shall be resolved pursuant the state's last offer.

4) All collective bargaining issues regarding Economic Self-Sufficiency Competency Program for the 2000-2001 and 2001-2002 fiscal years shall be resolved pursuant to the state's last offer.

5) All collective bargaining issues regarding Article 7, "Discipline and Discharge" which do not require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer. All collective bargaining issues regarding Article 7 "Discipline and Discharge" which require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer, contingent upon and consistent with, enactment of the necessary statutory authority to implement these issues of the state's last offer; however, if such statutory authority does not become effective, any such issues not enacted into law shall be resolved herein by maintaining the status quo.

6) All collective bargaining issues regarding Article 8, "Workforce Reduction and Privatization" which do not require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer. All collective bargaining issues regarding Article 7 "Workforce Reduction and Privatization" which require a statutory modification to be implemented, shall be resolved herein pursuant to the state's last offer, contingent upon and consistent with, enactment of the necessary statutory authority to implement these issues of the state's last offer; however, if such statutory authority does not become effective, any such issues not enacted into law shall be resolved herein by maintaining the status quo.

7) All collective bargaining issues regarding Article 20 "Training Issues" shall be resolved pursuant to the instructions provided in this Section under Item "3. Other Provisions" and Section 2 of this Act.

8) All other collective bargaining issues at impasse between the State of Florida and AFSCME Council 79 for career service employees shall be resolved in accordance with the state's last offer.

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B. All other collective bargaining issues at impasse for the 2001-2002 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.

5. STUDIES, 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. From the funds in Specific Appropriation 2102, \$300,000 from the General Revenue Fund is provided to the Department of Management Services to contract for legal services and for an independent certified actuarial analysis of the fiscal impact of the options specified below from OPPAGA Report No. 01-21, March 2001, for providing state employee health insurance benefits and establishing contribution rates.

1) Providing a continuum of self-insured plan options with a standard state contribution rate under which the state's contribution toward employee health insurance premiums would be set at the level needed to cover a basic package of benefits and enrollees could choose to obtain the basic package, or opt for lesser or greater benefits with their contribution toward premiums varying depending on the option chosen;

2) Implementing a high-deductible health insurance plan and encouraging use of Flexible Spending Accounts by enrollees to pay their health care costs up to the deductible level;

3) Discontinuing participation in the self-insured PPO plan for retirees and instead offering an array of fully-insured health insurance plans to Medicare-eligible retirees including traditional fee-for-service, PPO, POS, HMO, and Medicare Supplement plans;

4) Implementing a high-deductible health insurance plan and authorizing enrollees to use Medical Savings Accounts to pay for their health care costs up to the deductible level;

5) Eliminating the state's group health plans and providing state employees a standard benefit payment for health insurance to obtain coverage in the private market;

6) Establishing multi-tiered contribution rates that reflect the number of persons receiving coverage;

7) Adjusting contribution rates for retirees to better reflect their health care costs;

8) Adjusting employee contribution rates to align premiums with the costs of the PPO plan and HMOs.

Each option should be evaluated individually to determine the impact on the financial condition of the State Employee's Group Health Self-Insurance Trust Fund and weighed in combination to the extent the department and contractors anticipate that a combination of options will result in a sum impact greater or lesser than the impact estimated individually. The Department of Management Services shall also contract for a legal review of the specified options. The final report shall be completed and submitted to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Director of OPPAGA no later than January 1, 2002.

SECTION 9. The Board of Regents of the State University System is hereby authorized to construct the following projects which are to be

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financed entirely or partially from revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution, or s. 240.2093, F.S., and are hereby authorized to be subsequently refinanced through the issuance of refunding bonds:

1. University of Florida - Ben Hill Griffin Stadium Skybox Addition - and Skybox & Pressbox Renovation (reauthorization)
2. University of Florida - Basketball Practice Facility
3. Florida State University - Parking Garage Two
4. Florida State University - Parking Improvements
5. Florida State University - New Residence Hall (reauthorization)
6. Florida State University - Renovate/Remodel Cawthon Hall (Reauthorization)
7. Florida State University - Parking Garage Three
8. Florida State University - Research and Development Facilities, new building & renovation
9. Florida State University - Research and Development Facilities, additional new building
10. Florida Agricultural and Mechanical University - Housing, Phase IV (reauthorization)
11. Florida Agricultural and Mechanical University - Bragg Stadium Renovation and Expansion
12. University of South Florida - Parking Structure II (reauthorization)
13. University of South Florida - Residence Life Renovation, Sarasota
14. University of South Florida - Resident Hall Renovation, Tampa
15. University of South Florida - Student Residence Facility, Tampa
16. University of South Florida - Student Residential Life Facility, Tampa
17. Florida Atlantic University - Parking Garage I, Boca Raton
18. Florida Atlantic University - Parking Garage, Ft. Lauderdale
19. University of Central Florida - Academic Villages Phase II (reauthorization)
20. University of Central Florida - Parking Garage IV
21. Florida International University - Student Housing Complex and Support Services Facilities, Phase II (reauthorization)
22. Florida Gulf Coast University - North Lake Housing Phase IV
23. University of Florida Alumni Hall
24. University of Florida Orthopaedic Surgery and Sports Medicine Facility
25. University of Florida Genetics and Cancer Research Center
26. University of Florida IFAS Agronomy and Soil Science Facility
27. Florida State University Athletic Facilities Within Communications Facility Project and Basketball Practice Facility

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- 28. Florida State University Howser Stadium Renovation, Expansion or Replacement
- 29. Florida State University Alumni Center Complex
- 30. University of South Florida Charter School
- 31. Florida Atlantic University Aristotle Center
- 32. Florida Atlantic University Alumni House
- 33. Florida Atlantic University Continuing Education Tower
- 34. Florida Atlantic University Classroom/Office Building
- 35. University of Central Florida Intercollegiate Athletics Facility
- 36. University of Central Florida Intercollegiate Athletic Node
- 37. University of Central Florida Student Support Center
- 38. University of Central Florida Civic Theatre Acquisition & Renovation
- 39. Florida International University Parking Garage Three
- 40. Florida International University Parking Garage Four
- 41. Florida State University Study Centers in France, Spain and Panama

SECTION 10. 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 (reauthorization)

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 Alumni Hall facility by the University of Florida Foundation

Financing and construction of a portion of the Florida State University Communications Facility project by the Seminole Boosters (reauthorization)

Financing and construction of the Florida State University Howser Stadium Renovation, Expansion or Replacement project by the Seminole Boosters (reauthorization)

Financing and construction of the Florida State University Alumni Center Complex by the FSU Foundation and Alumni Association (reauthorization)

Financing and Construction of the Florida State University Campus Landscaping Improvements project by the FSU Foundation (reauthorization)

Financing and Construction of the Florida State University Ringling Center Storage Facility by the FSU Foundation

Financing and Construction of the Florida State University Research and Development Facilities including renovation by the FSU Research Foundation

Financing and Construction of the Florida State University Research and Development Facility by the FSU Research Foundation

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Financing and construction of the USF Charter School by the USF Foundation with funding provided by private donations, federal funds, and state funds (reauthorization)

Financing and construction of a Aristotle Center at Florida Atlantic University by the FAU Foundation

Financing and construction of the Florida Atlantic University Continuing Education Tower in Ft. Lauderdale

Financing and construction of the Office/Classroom Facility at Florida Atlantic University by the FAU Foundation

Financing and construction of the University of Central Florida Intercollegiate Athletics Building by the UCF Foundation (reauthorization)

Financing and construction of the University of Central Florida Intercollegiate Athletic Node (outdoor improvements) by the UCF Foundation

Financing and construction of the University of Central Florida Student Support Center by the UCF Foundation

Financing and acquisition of a Civic Theater by the UCF Foundation

Financing and construction of a Florida International University Football Stadium Fieldhouse Facility by the FIU Foundation (reauthorization)

University of South Florida United States Geological Survey Facility Expansion

SECTION 11. Pursuant to Section 11d, Article VII of the State Constitution, the Board of Regents of the State University System is authorized to issue bonds supported by Student Building Fees and Capital Improvement Fees to finance or partially finance projects authorized by the 2001-2002 appropriations. This bond issue is authorized to be subsequently refinanced through the issuance of refunding bonds, if deemed appropriate by the Division of Bond Finance and the Board of Regents.

SECTION 12. The unencumbered balance of funds provided in Specific Appropriation 54A Chapter 99-226, Laws of Florida, for Teaching Academies shall revert on June 30, 2001, and is appropriated for the purposes of the original appropriation to the Panhandle Area Education Consortium. The Panhandle Area Education Consortium shall match these funds with cash from any public or private source.

SECTION 13. The unexpended balance of funds provided to Florida Community College at Jacksonville in the Specific Appropriation 9G of Chapter 2000-166, Laws of Florida, relating to Rem/rem Aviation/Aerospace Ctr. - Cecil Field (3) complete for \$7,100,000, is hereby re-appropriated and authorized to provide planning and construction for initial site development at the Cecil Field Commerce Education Center.

SECTION 14. The unexpended balance of funds provided to Gulf Coast Community College in the Specific Appropriation 37 of Chapter 99-226, Laws of Florida, relating to the Voc Labs - Gulf/Franklin Center/Child Care Labs - Main complete for \$535,000, is hereby re-appropriated and authorized to provide Fire Science/Fire Fighting training facilities at the North Bay Special Purpose Center.

SECTION 15. The unexpended balance of funds up to \$4,000,000 provided to Daytona Beach Community College in the Specific Appropriation 9G of Chapter 2000-166, Laws of Florida, relating to Student Svcs/Admin/Child Serv Bldg 7 West partial (ce) for \$7,860,922, is hereby re-appropriated and authorized to provide planning and construction for initial site development and Classrooms and Lab Buildings at Deltona Center.

SECTION 16. The Executive Office of the Governor may reinstate fixed capital outlay budget authority within the FAMU Contracts and Grants

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Developmental Research School Trust Fund in an amount equal to the 1998-99 PECO and Classroom First allocations for the FAMU Developmental Research School.

SECTION 17. Funds provided in Specific Appropriation 160 for I-4 Corridor/High Technology Research in Chapter 2000-166 Laws of Florida, which are unexpended on June 30, 2001, shall revert, and are hereby appropriated to the University of Central Florida, the University of South Florida, and other participating SUS Universities for sales tax refund matching pursuant to section 212.08(1)(j), Florida Statutes.

SECTION 18. Funds provided in Specific Appropriation 209A of Chapter 99-226, Laws of Florida, to the University of South Florida for Quinn Hall (C,E) in the amount of \$2,056,765 are hereby reappropriated for that purpose.

SECTION 19. 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 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 in Marion County (reauthorization)
3. University of Florida - Orthopaedic Surgery and Sports Medicine Institute in Alachua County (reauthorization)
4. University of Florida - Genetics and Cancer Research Center
5. University of Florida - Center for Human Brain Function Imaging Technology
6. University of Florida - Psychology Building Addition
7. University of Florida - Multipurpose Storage Facility
8. University of Florida - Alumni Hall
9. Florida State University - Communications Facility in Leon County (reauthorization)
10. Florida State University - Alumni Center Complex in Leon County (reauthorization)
11. Florida State University - Campus Landscaping Improvements in Leon County (reauthorization)
12. Florida State University - Chemistry Building in Leon County (reauthorization)
13. Florida State University - Ringling Center Storage Facility
14. University of Central Florida - Student Support Center in Orange County
15. University of Central Florida - Engineering Field Station II
16. University of Central Florida - Acquisition of Civic Theater
17. University of South Florida - Clean Room Facility in Hillsborough County (reauthorization)
18. University of South Florida - Alumni Center Expansion
19. Florida Atlantic University - Aristotle Center
20. Florida Atlantic University - Alumni House
21. Florida Atlantic University - Office/Classroom Building
22. Florida Atlantic University - Continuing Education Tower - Ft. Lauderdale
23. Florida International University - Academic Learning Center
24. Florida International University - Expansion of Center for Engineering and Applied Science in Dade County (reauthorization)
25. Florida Gulf Coast University - North Lake Olympic Pool in Lee County (reauthorization)
26. University of Florida IFAS Agronomy and Soil Science Facility

SECTION 20. 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

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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. Santa Fe Community College - Acquire site as a special instructional laboratory/Geological Field Station with small support services facilities.
2. Santa Fe Community College - Acquire annex to the Andrews Special Purpose Center in Starke for enhancement to distance learning, continuing education, dual enrollment, as well as traditional programs.
3. Santa Fe Community College - Acquire annex to the Downtown Center for exhibition and related support space for the center's community arts and education program.
4. Santa Fe Community College - Acquire land and facilities with additional construction for an instructional facility in Archer.
5. Santa Fe Community College - Acquire additional land and possibly other facilities around the Downtown Center for future development.
6. South Florida Community College - Acquire land in or near Wauchula/Zolfo Springs in Hardee County for the new Special Purpose Center.
7. South Florida Community College - Acquire land in or near Arcadia in DeSoto County for the new Special Purpose Center.
8. North Florida Community College - Acquire adjacent land and facilities from the Madison County School Board for future development.
9. North Florida Community College - Acquire Madison County Memorial Hospital Building as an annex to the Main Campus in Madison for nursing and EMT training programs.

SECTION 21. Funds appropriated within item 177A of Chapter 2000-166, Laws of Florida, for the Gladys Davis Pavilion may be expended to renovate and expand the current Campus Safety Building to support the Gladys Davis Pavilion, a program for visually impaired students and residents, and up to \$800,000 may be expended to relocate Police/Parking/Traffic departments.

SECTION 22. Funds remaining in Specific Appropriation 2010 of Chapter 94-357, Laws of Florida, are re-appropriated to the Department of Education for Satellite Transponder Related Equipment.

SECTION 23. Funds included in Specific Appropriation 1867A of Chapter 99-226, Laws of Florida, for Article V implementation activities in the amount of \$800,000, are hereby reappropriated to the Joint Legislative Committee on Article V to engage consultants and/or provide funding for staff to support the activities of the Joint Committee.

SECTION 24. Pursuant to section 2 of Chapter 98-286, Laws of Florida, the Comptroller is directed to transfer \$10,200,000 from the Tobacco Settlement Clearing Trust Fund into the General Revenue Fund. This transfer shall satisfy the requirements of Chapter 98-286, Laws of Florida.

SECTION 25. 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 26. The Comptroller is hereby authorized to transfer \$46,900,000 in General Revenue funds to the Budget Stabilization Fund for Fiscal Year 2001-2002, as required by s. 19(g) Article III of the Constitution of the State of Florida.

SECTION 27. There is hereby appropriated \$25,000,000 to be transferred from the Insurance Commissioner's Regulatory Trust Fund to the Working Capital Fund.

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SECTION 28. There is hereby appropriated the sum of \$93,300,000 in nonrecurring General Revenue, \$199,300,000 in nonrecurring Tobacco Settlement Trust Funds and \$379,000,000 from the Medical Care Trust Fund to the Agency for Health Care Administration to cover FY 2000-01 Medicaid program costs. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 29. It is the policy of the state that with the funds appropriated for FY 2001-02, all state services be performed in the most effective and efficient manner in order to provide the best value to the public. Further, the state recognizes that competition among service providers may improve the quality of service provided. Therefore, any state agency may identify services provided by the state that are available commercially from a private source or through other alternative means for the provision of services, examine the current method of service delivery, assess the feasibility of privatization, outsourcing, or other alternative means for the provision of services. If the agency recommends to the Executive Office of the Governor (EOG) that such services may be better provided through private sources or other alternative means, the state agency shall submit an outsourcing plan to the EOG for approval prior to the implementation of the plan. State employees are encouraged to submit bids or proposals for outsourcing projects. Positions vacated as a result of outsourcing projects shall be placed in reserve by the EOG.

Upon completion of the planning process and prior to the transfer of any appropriated funds to implement a contract or memorandum of agreement related to privatization, outsourcing, or alternative means of provision of state services, the state agency shall provide to the Legislative Budget Commission its recommendations and documentation. Any contract or memorandum of agreement recommended by the state agency related to delivery of a state service pursuant to this section that requires the transfer of any appropriated funds shall be implemented pursuant to the provisions of Chapter 216, Florida Statutes, and subject to the approval of the Legislative Budget Commission.

Any savings resulting from the outsourcing projects shall be placed in unbudgeted reserve, or may be used for the Incentive and Savings Program provided in SB 1784 or similar legislation.

SECTION 30. 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 31. The unencumbered General Revenue balance of funds provided in Specific Appropriation 1925, Chapter 99-226, Laws of Florida, for the West Palm Beach Regional Service Center shall revert on June 30, 2001, and is hereby re-appropriated and authorized to cover expenses associated with final architectural work and permitting costs for the Second District Court of Appeal branch courthouse located in Hillsborough County.

SECTION 32. The unexpended balance of nonrecurring General Revenue funds appropriated in Specific Appropriations 593 through 597, of Chapter 2000-166, Laws of Florida provided for start up operating costs for the Alexander "Sandy" Nininger, Jr. State Veterans' Nursing Home in Pembroke Pines, Florida shall revert and is reappropriated for the purpose of the original appropriation.

SECTION 33. The unobligated balance of the funds provided in Specific Appropriation 489A, Chapter 95-429, Laws of Florida, for a Children's Medical Services clinic in Tampa is hereby reappropriated and may be used as partial funding for a combined Nursing/Health Care and Education Center at the University of South Florida.

SECTION 34. Funds provided in Specific Appropriation 541, Chapter 99-226, Laws of Florida, for Phase I of the joint CMS/USF Health Care and Education Center in Tampa are hereby reappropriated as partial funding for the combined Nursing/Health Care and Education Center at the University of South Florida. These funds are in addition to any other state appropriations for this purpose.

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SECTION 35. Of the balance of funds provided in Specific Appropriation 379 and Section 48 of Chapter 2000-166, Laws of Florida, \$18.7 million in General Revenue is hereby reappropriated for the Home and Community-Based Services Waiver for costs incurred in Fiscal Year 2001-2002 to address the needs of individuals with developmental disabilities. The Department may request \$24.2 million in budget authority to expend Medicaid through the consultation provisions of Chapter 216, Florida Statutes.

SECTION 36. Notwithstanding the proviso contained in Specific Appropriations 1129C and 1149A, Chapter 2000-166, Laws of Florida, moneys appropriated for Grants and Aids to Local Governments and Nonprofit Organizations - Fixed Capital Outlay Local Delinquency Intervention Facilities and Legislative Initiatives to Reduce Juvenile Crime, may be released so long as the Department of Juvenile Justice is given a first mortgage lien of ten years or a lease of 10 years on the facility relocated, expanded, constructed, or renovated with such appropriation. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 37. From the unexpended General Revenue funds in Specific Appropriation 626 of Chapter 95-429, Laws of Florida, \$2,448,800 shall revert effective June 30, 2001, and is hereby reappropriated to the Department of Corrections to implement and operate an inventory and cashless payment system for inmate canteens.

SECTION 38. From the unexpended General Revenue funds in Specific Appropriations 1955 and 1957 of Chapter 94-357, Laws of Florida, \$76,255 and \$2,833,860 respectively shall revert effective June 30, 2001 and are hereby reappropriated for the purpose of providing security improvements at Department of Corrections' facilities. The department shall provide a quarterly report to the Senate Appropriations Committee, the House Fiscal Responsibility Council and the Governor's Office of Policy and Budget 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.

SECTION 39. From the unexpended General Revenue funds in Specific Appropriations 621A and 626 of Chapter 95-429, Laws of Florida, \$278,697 and \$2,046,303, respectively, shall revert effective June 30, 2001, and \$2,325,000 is hereby reappropriated for an electronic medical record system. With these funds the Department of Corrections is directed to competitively procure an electronic medical record system. At a minimum, the electronic medical record system shall:

(a) provide access to clinical, administrative, and financial information on a real-time basis;

(b) provide a comprehensive database to enable healthcare providers to evaluate and compare clinical information and effectiveness of treatment;

(c) offer healthcare providers automated support for routine activities such as placing orders, scheduling appointments, and writing medication orders and prescriptions; and

(d) provide multiple, simultaneous access to patient and administrative information. The Department of Corrections and the Statewide Technology Office shall review proposals and jointly select the successful vendor. The funds hereby appropriated initially shall be placed in reserve and may be released via budget amendment in accordance with the provisions of sections 216.177 and 216.181, Florida Statutes.

SECTION 40. There is hereby appropriated from the General Revenue Fund, \$11,900,000 of nonrecurring funds for payment of supplemental casualty insurance premiums for fiscal year 2000-01. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 41. In any agency where the number of authorized positions as of July 1, 2001 as provided in the General Appropriations Act for 2001-2002 is less than the number of authorized and established

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positions on June 30, 2001, the following procedures and requirements must be followed to ensure that state employees whose positions have been eliminated receive appropriate reemployment opportunities and assistance:

1. It is the intent of the legislature that priority shall be given to deleting vacant positions when implementing the position reductions associated with the development of the 2001-2002 General Appropriations Act. Where both vacant and filled positions are deleted, vacant positions shall be deleted first.

2. To the extent possible within the constraints of the total funds provided in the General Appropriations Act, 90 days notice shall be given to any employee in a position to be eliminated as a result of the legislative position reductions associated with the development of the 2001-2002 General Appropriations Act.

3. The agency is authorized to temporarily exceed the number of authorized positions to accommodate individual retirement dates or the July 1, 2001 change to retirement vesting provisions within the total level of salary appropriations.

4. In the event that there are not sufficient vacant positions in any given budget entity to fulfill the position reductions required to bring that budget entity in line with the General Appropriations Act, the agency is authorized to request that vacant positions from other budget entities be transferred to fulfill the position reductions. This authorization is limited to instances where the position reductions effected by the legislature were intended to be a reduction of vacant positions. Position reductions related to legislative intent to reduce or eliminate specific programs shall not be subject to this paragraph.

5. Any employees terminated due solely to legislatively effected position reductions shall be provided with the right of first employment interview for any state job vacancy to which they may apply, provided they meet the minimum qualifications for that position. The Secretary of the Department of Management Services and the Director of the Division Human Resources of the Department of Management Services shall be responsible for ensuring that all state agencies adhere to this requirement and shall mediate complaints brought by state employees pursuant to this requirement. The agency shall take all reasonable steps to place any adversely affected employees in existing vacancies for which they are qualified.

6. The Department of Management Services shall provide all necessary assistance to state agencies to ensure that terminated employees receive outplacement planning services, referral to available job training, and other employment services. In addition, the Agency for Workforce Innovation, through its existing programs, shall provide all available priority assistance to any state employee adversely affected by legislative position reductions associated with the development of the 2001-2002 General Appropriations Act.

7. Position reductions identified in the agencies' long range program plans shall be specifically identified to the extent possible by the agencies and the incumbents of those positions shall be notified no later than 30 days following submission of the plan.

SECTION 42. The unexpended balance of funds provided in Specific Appropriations 69, 70, and 71 of Chapter 2000-166, Laws of Florida, for replacement of the data management system with a client server environment for the common course numbering system, shall revert and is reappropriated for the purposes of the original appropriations.

SECTION 43. The unexpended balance of funds provided in Specific Appropriation 73A of Chapter 2000-166, Laws of Florida, for migration to common data base software and for the development of the data warehouse, shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 44. Of the unobligated balance in Specific Appropriation 1868 of Chapter Law 2000-166, Laws of Florida, \$957,800 shall be reappropriated to the State Technology Office for the review of existing

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business process requirements including the State Chart of Accounts as identified in the Analysis of Alternatives for an Integrated Financial System Report of March 13, 2001. Such review shall consist of specific tasks outlined in the scope of services in the ITN for the IFMIS Independent Project Manager and shall include: development of a decision making and escalation procedures model, review of existing business processes including chart of accounts; documentation of information architecture requirements and execution of a change management communication program.

SECTION 45. If, pursuant to the provisions of s. 215.5601(4)(f), Florida Statutes, appropriations from tobacco settlement trust funds are reduced on a prorated basis for the 2001-2002 fiscal year, there are hereby appropriated from the Working Capital Fund established by s. 215.32(1)(c), Florida Statutes, amounts equal to the tobacco settlement trust fund reductions.

SECTION 46. If during the State's 2001-02 fiscal year, the Federal Government applies an Alternative Systems Penalty on the Child Support Enforcement Program for delays in implementing automated Distribution 2000 requirements, the Executive Office of the Governor shall provide additional nonoperating transfer authority, subject to 216.181(12), F.S., to assist in paying that penalty. This additional nonoperating transfer authority to the Grants and Donations Trust Fund shall consist of \$2,735,828 from the Child Support Enforcement Incentive Trust Fund and \$4,000,000 from the Child Support Enforcement Application and User Fee Trust Fund. In addition, the Legislative Budget Commission may approve a loan from the Working Capital Fund to the Child Support Enforcement Program in an amount not to exceed \$9,800,000 to be repaid by no later than June 30, 2003.

SECTION 47. There is hereby appropriated \$450,000 from the General Revenue Fund to the Department of Management Services to be used for costs associated with the implementation of the Department of Management Services plan to outsource human resource services. These costs shall be repaid as the plan is implemented and funds are transferred from the State agencies to the department for this purpose.

The Agency for Workforce Innovation, through its existing programs, shall provide all available assistance to any state employee who is displaced as a result of the outsourcing of the human resource services.

SECTION 48. The unexpended balance of funds provided in Section 35 of Chapter 2000 - 166, Laws of Florida, for Front Porch Florida shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 49. The unexpended balance of funds provided in Specific Appropriation 2088B of Chapter 2000 -166, Laws of Florida, for the High Impact Performance Incentive Program shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 50. The unexpended balance of funds provided in Section 38 of Chapter 2000 - 164, Laws of Florida, for the Tax Credit for Network Access Point shall revert and is reappropriated for the purposes of the original appropriation

SECTION 51. The unexpended balance of funds provided in Specific Appropriation 2088D of Chapter 2000 - 166, Laws of Florida, for the Rural Infrastructure Program shall revert and is reappropriated for the purposes of the original appropriation.

SECTION 52. The unexpended balance of funds appropriated in Section 163 (4) of Chapter 2000-165, Laws of Florida, shall revert and is hereby reappropriated to the Agency for Workforce Innovation for the purposes of the original appropriation for workforce information systems.

SECTION 53. Of the balance of funds provided in Section 12 (10) (a) of Chapter 2000-290, Laws of Florida, \$10 million for Toolkit for Economic Development shall revert and is hereby reappropriated.

SECTION 54. From funds appropriated in Specific Appropriation 2101, of Chapter 2000-166, Laws of Florida, the unexpended balance shall revert

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and is hereby reappropriated for the mobile data system for the Florida Highway Patrol to enhance enforcement activities.

SECTION 55. State Technology Office

(1) Each state agency that entered into a Memorandum of Agreement with the State Technology Office by March 15, 2001, regarding consolidation of information technology resources and staff shall transfer the positions identified in the Memoranda and the associated rate and the amount of approved budget to the State Technology Office by October 1, 2001. The total number of positions transferred to the State Technology Office shall not exceed 1,760 FTE's. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(2) Each state agency required to transfer positions pursuant to subsection (1) shall also transfer administrative support personnel and associated rate and the amount of approved budget to the Department of Management Services or to the State Technology Office. The number of administrative support positions transferred by each agency shall not exceed 5% of the number of positions transferred pursuant to subsection (1). Such transfers shall take effect July 1, 2001. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(4) The State Technology Office and the individual agencies may request subsequent transfers of FTE's and associated rate and funds during the fiscal year to meet the levels of service agreed to between the State Technology Office and the agencies. Such transfers shall be authorized, subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(5) The State Technology Office is authorized to charge back to each participating agency an amount equal to the total of all direct and indirect costs of administering the agreement with the agency and the total of all direct and indirect costs of rendering the performances required of the State Technology Office under such agreements.

(6) Any resources transferred to the State Technology Office which were dedicated to a federally-funded system shall remain allocated to that system until the appropriate federal agency or authority confirms in writing that another plan for supporting the system will not result in federal sanctions. In addition, any use of such resources to expand services to other agencies must be consistent with an approved cost allocation plan.

(7) The corresponding amounts necessary to execute paragraphs (1), (2) and (4) are appropriated to the state agencies for transfer to the State Technology Office. Such amounts and specific funds shall be equivalent to the amount of approved budget reduced from state agencies in paragraphs (1), (2) and (4) subject to approval by the Legislative Budget Commission.

SECTION 56. There is hereby appropriated \$33,800,000 to be transferred from the Solid Waste Management Trust Fund to the Working Capital Fund.

SECTION 57. There is hereby appropriated \$16,200,000 to be transferred from the Water Management Lands Trust Fund to the Working Capital Fund.

SECTION 58. Pursuant to the provisions of section 440.51(14), Florida Statutes, the Department of Labor and Employment Security may submit a budget amendment request to transfer up to \$750,000 from the Workers' Compensation Trust Fund to the Florida Workers' Compensation Joint Underwriting Association for fiscal year 2000-2001. The budget amendment shall be submitted to the Legislative Budget Commission for approval. This section shall take effect upon the General Appropriations Act becoming law.

SECTION 59. 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.

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SECTION 60. With the exception of Sections 28, 40 and 58, this act shall take effect July 1, 2001, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2001, then it shall operate retroactively to July 1, 2001. Sections 28, 40 and 58, shall take take effect upon the General Appropriations Act becoming law.

TOTAL ALL FUNDS THIS APPROPRIATIONS ACT..... 48331,164,980

APPROPRIATIONS INCLUDED IN STATUTES (BUT NOT IN THIS ACT)

CHILD SUPPORT INCENTIVE TF.....	45,576
CHILD SUPPORT CLEARING TF.....	100,000,000
COUNTY REVENUE SHARING TF.....	336,200,000
FED USE OF STATE LANDS TF.....	1,647,000
FLORIDA RETIREMENT SYSTEM TF.....	2855,191,319
GAS TAX COLLECTION TF.....	271,300,000
GRANTS AND DONATIONS TF.....	88,470
FL RETIREMENT SYS PRESERVATION OF BENEFITS PLAN TF.....	50,000
IFAS SUPPL RETIREMENT TF.....	915,663
LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TF...	1390,200,000
MUNICIPAL REVENUE SHARING TF.....	238,800,000
OIL AND GAS TAX TRUST FUND.....	600,000
RETIREE HEALTH INSURANCE SUBSIDY TF.....	227,035,262
SELF INSURANCE ASSESSMENT TRUST FUND.....	2,500,000
SEVERANCE TAX SOLID MINERAL TF.....	4,890,000
UNEMPLOYMENT COMPENSATION BENEFIT TF.....	800,000,000
WORKERS' COMPENSATION ADMINISTRATION TF.....	23,020,026
WORKERS' COMPENSATION SPECIAL DISABILITY TF.....	115,421,987

TOTAL APPROPRIATION AUTHORITY INCLUDED IN STATUTES. 6367,905,303

ADJUSTED TOTAL: ALL APPROPRIATIONS..... 54699,070,283

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS 121,772

FROM GENERAL REVENUE FUND 20336,628,948

FROM TRUST FUNDS 27994,536,032

TOTAL ALL FUNDS 48331,164,980

Motion

Rep. Fasano moved the previous question on the bill.

On motion by Rep. Lacasa, the Report of the Conference Committee on SB 2000 was accepted in its entirety.

The question recurred on the passage of SB 2000. The vote was:

Session Vote Sequence: 558

Yeas—115

The Chair	Berfield	Farkas	Henriquez
Alexander	Betancourt	Fasano	Heyman
Allen	Bilirakis	Fields	Hogan
Andrews	Bowen	Flanagan	Holloway
Argenziano	Brummer	Gannon	Jennings
Arza	Brutus	Garcia	Johnson
Attkisson	Bullard	Gardiner	Jordan
Atwater	Byrd	Gelber	Joyner
Ausley	Cantens	Gibson	Justice
Baker	Carassas	Goodlette	Kallinger
Ball	Clarke	Gottlieb	Kendrick
Barreiro	Crow	Green	Kilmer
Baxley	Cusack	Greenstein	Kosmas
Bean	Davis	Haridopolos	Kottkamp
Bendross-Mindingall	Detert	Harper	Kravitz
Bennett	Diaz de la Portilla	Harrell	Kyle
Bense	Diaz-Balart	Harrington	Lacasa
Benson	Dockery	Hart	Lee

Lerner	Melvin	Ritter	Sobel
Littlefield	Miller	Romeo	Sorensen
Lynn	Murman	Ross	Spratt
Machek	Needelman	Rubio	Stansel
Mack	Negron	Russell	Trovillion
Mahon	Paul	Ryan	Wallace
Mayfield	Peterman	Seiler	Waters
Maygarden	Pickens	Simmons	Weissman
McGriff	Prieguez	Siplin	Wiles
Meadows	Rich	Slosberg	Wishner
Mealor	Richardson	Smith	

Nays—3

Bucher	Frankel	Wilson
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So the bill passed, as amended by the Conference Committee Report. The action, together with SB 2000 and the Conference Committee Report thereon, was immediately certified to the Senate.

Explanations of Vote

While I am voting no on the general appropriations act I want to state for the record that I support many of the issues contained in the conference report. However, I have several reasons for voting against this bill.

First and foremost, this budget does not do enough to enhance public school education. Florida is facing a terrible teacher shortage over the next ten years, and this bill does not adequately address the problem that teachers in Florida earn \$5000 less than the national average. Second, I oppose the taking of \$75 million from preservation 2000 for other budget issues. Third, I think it is wrong to raise college tuition and property taxes while passing unnecessary and unfair tax reductions for a small percentage of Floridians. Fourth, I feel that certain important issues have been ignored or inadequately addressed, i.e. funding for pre-kindergarten education, nursing homes, and alternative long term care.

*Rep. Lois J. Frankel
District 85*

The Florida Budget (SB 2000) is usually a mixed bag of good and bad. This year is no different. Certainly, I must applaud our commitment to addressing the needs of our developmentally disabled and nursing home staffing. I also am pleased by our decision to provide grants to counties for election equipment. However, I am terribly disappointed in the education budget. Unfortunately, most of the increase in education funding comes not from the state, rather it comes from required local effort, which is the property taxes of our hard working Floridians. Worse yet, just two years after the Legislature provided a cut in school property taxes, more than 40 counties may be required to raise taxes to meet the required local effort. I fear we will pay for our lack of real commitment to education. I must also object to the state using Forever Florida funds to fund special projects and other items. By taking \$75 million from this fund, we are jeopardizing many critical land acquisitions, including two in my district. While we aren't passing a bad product, we had a chance to do so much more.

*Rep. Doug Wiles
District 20*

Disclosure of Interest

By this letter, I wish to advise you, the Members of the Florida House of Representatives, and the public, that I serve as counsel to the Putnam County School Board. Additionally, the Putnam County School Board serves as the fiscal agent for the Northeast Florida Educational Consortium, which is given a specific appropriation in the 2001 General Appropriations Act. Although I represent the school board, I have been advised by the General Counsel of the Florida House of Representatives that I am required to vote on the act.

*Rep. Joe H. Pickens
District 21*

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has accepted the Conference Committee Report as an entirety and passed SB 2002 as amended by the Conference Committee Report.

Faye W. Blanton, Secretary

Conference Committee Report on SB 2002

In compliance with Article III, Section 19(d) and Joint Rule 2, the necessary 72-hour waiting period having expired, on motion by Rep. Lacasa, the House took up the following Report of the Conference Committee on SB 2002:

*The Honorable John M. McKay
President of the Senate*

May 2, 2001

*The Honorable Tom Feeney
Speaker, House of Representatives*

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2002, same being:

An act relating to implementing appropriations.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the House recede from its amendment 1.
2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

*Jim Horne, Chair
Locke Burt
Charlie Clary
Anna Cowin
Mandy Dawson
Buddy Dyer
Rudy Garcia
Betty S. Holzendorf
Daryl Jones
James E. "Jim" King, Jr.
Jack Latvala
John F. Laurent
Alfred "Al" Lawson
Kendrick Meek
Lesley "Les" Miller
Richard Mitchell
Durell Peaden, Jr.
Tom Rossin
Debby Sanderson
Burt Saunders
Ronald A. Silver
Donald C. Sullivan
Alex Villalobos
Daniel Webster*

*Carlos Lacasa, Vice Chair
JD Alexander
Randy Ball
Gustavo Barreiro
Allan Bense
Gus Bilirakis
Frederick "Fred" Brummer
Paula Dockery
Frank Farkas
Mike Fasano
Mark Flanagan
Carole Green
Ron Greenstein
Chris Hart
Wilbert "Tee" Holloway
Ed Jennings, Jr.
Randy Johnson
Charlie Justice
Bev Kilmer
Evelyn Lynn
Mark Mahon
Jerry Maygarden
Matthew Meadows
Jerry Melvin
Jefferson "Jeff" Miller
Sandra Murman
Nan Rich
Stacy Ritter
Marco Rubio
John "Jack" Seiler
Gary Siplin
Irving Slosberg
Joseph Spratt
Dwight Stansel
Rob Wallace
Frederica "Freddi" Wilson*
Managers on the part of the
Senate
Managers on the part of the
House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2001-2002.*

Section 2. *In order to implement Specific Appropriation 171 of the 2001-2002 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 2001-2002 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 expires July 1, 2002.*

Section 3. In order to implement Specific Appropriation 118 of the 2001-2002 General Appropriations Act, paragraph (k) of subsection (1) and subsection (8) 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:

(k) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. ~~During the 1997-1998, 1998-1999, and 1999-2000 school years of the pilot program authorized in s. 240.116, Students enrolled in the Advanced International Certificate of Education Program shall generate full-time equivalent student membership in a manner that is equitable to the manner in which students enrolled in the International Baccalaureate Program generate full-time equivalent student membership. During 1997-1998, a maximum of 40 students in each participating school district is authorized to generate full-time equivalent student membership in the pilot program, and in 1998-1999 and 1999-2000 a maximum of 80 students per year in each participating school district is authorized to generate full-time equivalent student membership in the pilot program.~~

(8) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 ~~unweighted~~ ~~weighted~~ FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per ~~unweighted~~ ~~weighted~~ FTE student which shall include the adjusted FTE dollars as provided in subsection (9), quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per ~~unweighted~~ ~~weighted~~ FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (9) and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per ~~unweighted~~ ~~weighted~~ FTE to prior year funds per ~~unweighted~~ ~~weighted~~ FTE shall be computed. For those school districts which have

less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per ~~unweighted~~ ~~weighted~~ FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

Section 4. *The amendment of paragraph (k) of subsection (1) and subsection (8) of section 236.081, Florida Statutes, by this act shall expire on July 1, 2002, and the text of those provisions shall revert to that in existence on June 30, 2001, 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 such text which expire pursuant to the provisions of this act.*

Section 5. In order to implement Specific Appropriation 118 of the 2001-2002 General Appropriations Act, subsection (6) of section 240.116, Florida Statutes, is amended to read:

240.116 Articulated acceleration.—

(6) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education shall establish rules which specify the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules, which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit, shall only apply to students taking International Baccalaureate Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations. ~~During the 1997-1998, 1998-1999, and 1999-2000 school years, the Department of Education shall assist up to three school districts in conducting a pilot of the Advanced International Certificate of Education Program administered by the University of Cambridge Local Examinations Syndicate. The department shall produce an evaluation report and recommendations regarding the comparability of the Advanced International Certificate of Education Program to the International Baccalaureate Program and submit the report to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2000.~~

Section 6. *The amendment of subsection (6) of section 240.116, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, 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 such text which expire pursuant to the provisions of this act.*

Section 7. In order to implement Specific Appropriation 178 of the 2001-2002 General Appropriations Act, subsection (7) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(7) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent below and 15 percent above *the combined total of the fee schedule adopted by the State Board of Community Colleges and the technology fee adopted by a board of trustees*, provided that any amount from 10 to 15 percent above the fee schedule is used only to support safety and

security purposes. In order to assess an additional amount for safety and security purposes, a community college board of trustees must provide written justification to the State Board of Community Colleges based on criteria approved by the local board of trustees, including but not limited to criteria such as local crime data and information, and strategies for the implementation of local safety plans. For 1999-2000, each community college is authorized to increase the sum of the matriculation fee and technology fee by not more than 5 percent of the sum of the matriculation and local safety and security fees in 1998-1999. However, no fee in 1999-2000 shall exceed the prescribed statutory limit. Should a college decide to increase the matriculation fee, the funds raised by increasing the matriculation fee must be expended solely for additional safety and security purposes and shall not supplant funding expended in the 1998-1999 budget for safety and security purposes.

Section 8. *The amendment of subsection (7) of section 240.35, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, 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 such text which expire pursuant to the provisions of this act.*

Section 9. In order to implement Specific Appropriation 93 of the 2001-2002 General Appropriations Act, paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time

necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 75 ~~50~~ percent of funds from the student financial aid fee for new financial aid awards shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.*

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

a. A nonrefundable application fee in an amount not to exceed \$30.

b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed \$200.

c. An orientation fee in an amount not to exceed \$35.

d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed \$10 per card. The maximum amount charged for a replacement card may not exceed \$15.

e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed \$15, for the payment of tuition in installments; and a late-registration fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to initiate registration during the regular registration period.

f. A late-payment fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).

h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed \$10 per item.

Section 10. *The amendment of paragraph 240.209(3)(e), Florida Statutes, by this act shall expire July 1, 2002, and the text of that paragraph shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted 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 such 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 such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 11. In order to implement Specific Appropriation 93 of the 2001-2002 General Appropriations Act, subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than \$250,000. If the amount generated is less than \$250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between \$250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or \$300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 75 ~~50~~ percent of the balance of these funds *for new awards* shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on *the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.* Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 12. *The amendment of subsection 240.35(11), Florida Statutes, by this act shall expire July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted 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 such 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 such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 13. In order to implement Specific Appropriation 118 of the 2001-2002 General Appropriations Act, paragraph (a) of subsection (1) 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:

(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:

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be

computed and currently maintained in accordance with regulations of the commissioner. Beginning with the 1999-2000 school year, each school district shall also document the daily attendance of each student in membership by school and by district. An average daily attendance factor shall be computed by dividing the total daily attendance of all students by the total number of students in membership and then by the number of days in the regular school year. Beginning with the 2002-2003 ~~2001-2002~~ school year, the district's full-time equivalent membership shall be adjusted by multiplying by the average daily attendance factor.

Section 14. In order to implement Specific Appropriations 302-466 and 503-637 of the 2001-2002 General Appropriations Act, paragraph (c) is added to subsection (16) of section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(16)

(c) For the 2001-2002 fiscal year only, funds appropriated to the Department of Children and Family Services in Specific Appropriations 302-466 and the Department of Health in Specific Appropriations 503-637 of the 2001-2002 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 expires July 1, 2002.

Section 15. In order to implement Specific Appropriations 408 and 410 of the 2001-2002 General Appropriations Act, notwithstanding the provisions of chapter 216, Florida Statutes, the Department of Children and Family Services is authorized to transfer funds as necessary to achieve a successful transition of staff between that department and the Department of Juvenile Justice. Such transfers of funds shall only require a 3-day consultation period with the House and Senate Appropriations Committees prior to their implementation. The Department of Juvenile Justice is directed to give priority for employment to persons employed at G. Pierce Wood Memorial Hospital (GPW). The Departments of Juvenile Justice and Children and Family Services are also directed to require the contracted Department of Juvenile Justice programs in the catchment area in the contracted sexually violent predator program to give employees from GPW priority for employment. This section expires July 1, 2002.

Section 16. In order to implement Specific Appropriations 400-402 of the 2001-2002 General Appropriations Act, subsection (8) is added to section 394.908, Florida Statutes, to read:

394.908 Substance 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 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:

(8) For fiscal year 2001-2002 only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year 1998-1999 appropriations shall be allocated, except as specified in this subsection, to the G. Pierce Wood Memorial Hospital catchment area or other districts or counties identified in the 2001-2002 General Appropriations Act. The Department of Children and Family Services is authorized to develop an alternative allocation methodology based on national prevalence data for persons with severe and persistent mental illness for use in the distribution of new funds to the G. Pierce Wood Memorial Hospital catchment area. No district shall receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations, for fiscal year 1998-1999, except for adjustments needed to implement the SunCoast Region. This subsection expires July 1, 2002.

Section 17. In order to implement Specific Appropriation 480 of the 2001-2002 General Appropriations Act, subsection (1) of section 430.204, Florida Statutes, is amended to read:

430.204 Community-care-for-the-elderly core services; departmental powers and duties.—

(1)(a) The department shall fund, through each area agency on aging, at least one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. Whenever feasible, an area agency on aging shall be the contracting agency of preference to engage only in the planning and funding of community-care-for-the-elderly core services for functionally impaired elderly persons.

(b) For fiscal year 2001-2002 only, in each county having a population over 2 million, the department shall fund, through each area agency on aging, more than one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. This paragraph expires July 1, 2002.

Section 18. In order to implement Specific Appropriation 480 of the 2001-2002 General Appropriations Act, subsection (1) of section 430.205, Florida Statutes, is amended to read:

430.205 Community care service system.—

(1)(a) The department, through the area agency on aging, shall fund in each planning and service area at least one community care service system that provides case management and other in-home and community services as needed to help the older person maintain independence and prevent or delay more costly institutional care.

(b) For fiscal year 2001-2002 only, in each county having a population over 2 million, the department, through the area agency on aging, shall fund in each planning and service area more than one community care service system that provides case management and other in-home and community services as needed to help elderly persons maintain independence and prevent or delay more costly institutional care. This paragraph expires July 1, 2002.

Section 19. In order to implement Specific Appropriations 348, 350A, and 350C of the 2001-2002 General Appropriations Act, subsection (12) is added to section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(12) For the 2001-2002 fiscal year only and notwithstanding the other provisions of this section, the Department of Children and Family Services may transfer funds within the family safety program identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation as long as such a transfer does not result in an increase to the total recurring general revenue or trust fund cost of the agency in the subsequent fiscal year: adoption services and subsidy; family foster care; and emergency shelter care. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in the family safety program. Notice of proposed transfers under this authority must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days before their implementation. This subsection expires July 1, 2002.

Section 20. In order to implement Specific Appropriation 3018 of the 2001-2002 General Appropriations Act, paragraph (i) of subsection (2) of section 318.21, Florida Statutes, as amended, 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:

(i) For fiscal year 2001-2002 ~~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 ~~expires is repealed on July 1, 2002 2001.~~

Section 21. In order to implement Specific Appropriation 2967 of the 2001-2002 General Appropriations Act, subsection (8) of section 925.037, Florida Statutes, is amended 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 2001-2002 ~~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 ~~expires is repealed on July 1, 2002 2001.~~

Section 22. In order to implement Specific Appropriations 862-1126 of the 2001-2002 General Appropriations Act, section 25.402, Florida Statutes, is amended to read:

25.402 County Article V Trust Fund.—

(1)(a) The trust fund moneys in the County Article V Trust Fund, administered by the Supreme Court, ~~may~~ ~~must~~ be used to compensate counties for the costs they incur under Article V of the State Constitution in operating the state courts system, including the costs they incur in providing and maintaining court facilities.

(b) The Supreme Court shall adopt an allocation and disbursement plan for the operation of the trust fund and the expenditure of moneys deposited in the trust fund. The Supreme Court shall include the plan in its legislative budget request. A committee of 15 people shall develop and recommend the allocation and disbursement plan to the Supreme Court. The committee shall be composed of:

1. Six persons appointed by the Florida Association of Counties, as follows:

a. Two persons residing in counties with populations *fewer less* than 90,000 ~~75,000~~.

b. Two persons residing in counties with populations greater than 89,999 ~~74,999~~, but *fewer less* than 700,000.

c. Two persons residing in counties with populations greater than 699,999.

2. Six persons appointed by the Chief Justice of the Supreme Court, as follows:

a. Two persons residing in counties with populations *fewer less* than 90,000 ~~75,000~~.

b. Two persons residing in counties with populations greater than 89,999 ~~74,999~~, but *fewer less* than 700,000.

c. Two persons residing in counties with populations greater than 699,999.

3. Three persons appointed by the Florida Association of Court Clerks and Comptrollers, as follows:

a. One person residing in a county with a population *fewer less* than 90,000 ~~75,000~~.

b. One person residing in a county with a population greater than 89,999 ~~74,999~~, but *fewer less* than 700,000.

c. One person residing in a county with a population greater than 699,999.

The allocation and disbursement plan shall include provisions to compensate counties with fewer than 90,000 ~~75,000~~ residents for court facility needs.

(c) Amendments to the approved operating budget for expenditures from the County Article V Trust Fund must be approved in accordance

with the provisions of s. 216.181. The total amount disbursed from the County Article V Trust Fund may not exceed the amount authorized by the General Appropriations Act.

(d) Effective July 1, 2001 ~~1998~~, moneys generated from civil penalties distributed under s. 318.21(2)(h) shall be deposited in the trust fund for the following purposes:

1. Funds paid to counties with populations *fewer less* than 90,000 ~~75,000~~ shall be grants-in-aid to be used, in priority order, for: *operating expenditures of the offices of the state attorneys and public defenders in accordance with Specific Appropriation 2978B*; consulting or architectural studies related to the improvement of courthouse facilities; improving court facilities to ensure compliance with the Americans with Disabilities Act and other federal or state requirements; other renovations in court facilities; improvements in court security; and expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

2. Funds paid to counties with populations exceeding 89,999 ~~74,999~~ shall be grants-in-aid *to be used, in priority order, for operating expenditures of the offices of the state attorneys and public defenders in accordance with Specific Appropriation 2978B*, costs paid by the county for expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

(2) This section ~~expires is repealed~~ June 30, 2002.

Section 23. In order to implement Specific Appropriation 2968 of the 2001-2002 General Appropriations Act, subsections (1) and (2) of section 29.009, Florida Statutes, are amended to read:

29.009 Contingency fund.—

(1) Any county with a population of less than 90,000 ~~85,000~~, according to the most recent decennial census, may apply to the Office of the State Courts Administrator for additional funding to cover extraordinary criminal-case-related costs.

(2) The Office of the State Courts Administrator, in consultation with the chairs of the appropriations committees of the Legislature, shall develop a process whereby counties may request funds pursuant to this section. Such process shall be consistent with legislative intent regarding this act. The Office of the State Courts Administrator shall review any request for funds by a county under this section and, if the Office of the State Courts Administrator determines that a request is valid, *and contingent upon specific appropriation*, it may provide assistance upon finding a qualifying county's budget is inadequate to cover extraordinary criminal-case-related costs and that the deficiency will result in an impairment of the operations of the county.

Section 24. *The amendment of subsections 29.009(1) and (2), Florida Statutes, by this act shall expire July 1, 2002, and the text of these subsections shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted 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 such 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 such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 25. *Consistent with the provisions of section 216.163, Florida Statutes, in accordance with performance-based program budgeting requirements, and notwithstanding the provisions of section 216.181, Florida Statutes, the Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 1248, 1259, 1268, 1278, 1280A, 1281, 1289, 1296, and 1302 of the 2001-2002 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 expires July 1, 2002.

Section 26. In order to implement Specific Appropriations 1248-1307 of the 2001-2002 General Appropriations Act, subsection (17) is added to section 216.181, Florida Statutes, 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 2001-2002 fiscal year only, the 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 expires July 1, 2002.

Section 27. In order to implement proviso language following Specific Appropriation 1225 of the 2001-2002 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 expires July 1, 2002.

Section 28. In order to implement Specific Appropriations 681-788F and 819-848 of the 2001-2002 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the 2001-2002 ~~2000-2001~~ fiscal year only:;

(a) If the actual inmate population of the Department of Corrections exceeds by 2 percent for 2 consecutive months or more the inmate population projected by the Criminal Justice Estimating Conference on February 16, 2001 ~~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.

(b) If, by October 1, 2001, a contract with a private vendor or vendors for the delivery of health care services at institutions located in Department of Corrections Region IV has not been executed, up to 97 positions in excess of the number authorized and appropriate salary rate may be approved, provided that sufficient funds are available to pay salaries and benefits. If a contract for the provision of health care services in the Department of Corrections Region IV is subsequently executed, the Executive Office of the Governor shall place these positions and associated salary rate into reserve.

(c) In order to implement a Close Management Consolidation Plan in the Department of Corrections, positions in excess of the number authorized and appropriate salary rate may be approved provided that the Secretary of Corrections certifies that there are no vacant positions that may be used for this purpose.

Such requests are ~~request~~ is subject to the budget amendment and consultation provisions of this chapter. This subsection expires ~~is repealed on~~ July 1, 2002 ~~2001~~.

Section 29. In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, subsection (1) of section 938.01, Florida Statutes, as amended by section 39 of chapter 2000-171, Laws of Florida, 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 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 Department of Law Enforcement.

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 Department of Law Enforcement.

(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 30. *The amendment of subsection (1) of section 938.01, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that 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 such 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 such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 31. In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, subsection (1) of section 943.25, Florida Statutes, as amended by section 41 of chapter 2000-171, Laws of Florida, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(1) The Department of Law Enforcement may approve, for disbursement from the Department of Law Enforcement Operating Trust Fund, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds may not be made without specific legislative appropriation.

Section 32. *The amendment of subsection (1) of section 943.25, Florida Statutes, by this act shall expire on July 1, 2002, and the text of that 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 such 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 such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 33. (1) *In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, and for the 2001-2002 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 section 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) *In order to implement Specific Appropriations 333-339 and 1248-1256 of the 2001-2002 General Appropriations Act, and for the 2001-2002 fiscal year only, from the funds deposited into the Department of Law Enforcement Operating Trust Fund pursuant to section 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law Enforcement shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program transferred from the Department of Community Affairs. The amount of the transfer for fiscal year 2001-2002 shall be determined by the Governor's Office of Planning and Budgeting, in consultation with the Department of Community Affairs, the Department of Law Enforcement, and the Department of Children and Family Services, and shall be based on the historic use of these funds and current needs of the Prevention of Domestic and Sexual Violence Program.*

(3) *This section expires July 1, 2002.*

Section 34. In order to implement Specific Appropriation 1519 of the 2001-2002 General Appropriations Act, subsection (8) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b)1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the

manner provided by this paragraph and by mailing a copy to the local government and to persons who request notice. The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)(c) and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

2. *For fiscal year 2001-2002 only, the provisions of this subparagraph shall supersede the provisions of subparagraph 1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(c) and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, send by regular mail a courtesy informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition. This subparagraph expires July 1, 2002.*

Section 35. In order to implement Specific Appropriations 2624-2628A of the 2001-2002 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 2001-2002 ~~2000-2001~~ 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, 2002 ~~2001~~.

Section 36. In order to implement Specific Appropriation 1742 of the 2001-2002 General Appropriations Act, 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. *Starting in fiscal year 2001-2002, from the cash balance less approved commitments encumbered that is remaining in the Florida Preservation 2000 Trust Fund, the Legislature shall appropriate up to \$75 million from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund to be used for the acquisition of lands needed for restoration of the Florida Everglades pursuant to s. 373.470. Furthermore, the remaining cash balances available for the Preservation 2000 programs described in paragraphs (a) through (g) shall be adjusted pro rata for the amount appropriated by the Legislature. Additionally, any cash balances less approved commitments encumbered available to the programs described in paragraphs (a) through (g) at the time the first series of Florida Forever Program bonds is issued and proceeds are deposited into the Florida Forever Trust Fund shall be reserved and remain unavailable for expenditure for projects pursuant to the Florida Preservation 2000 Program until and unless the programs receiving an allocation under the Florida Forever Program described in paragraphs 259.105(3)(a)-(h), respectively, have encumbered all funds available from the first Florida Forever Program bond issue. To the extent that projects eligible for Preservation 2000 funds can also be eligible for Florida Forever funds, the proceeds from Florida Forever bonds may be used to complete transactions begun with Preservation 2000 funds or meet cash needs for property transactions begun in fiscal year 2000-2001. In fiscal year 2000-2001, for each Florida Preservation 2000 program described in paragraphs (a) (g), that portion of each program's total remaining cash balance which, as of June 30, 2000, is in excess of that program's total remaining appropriation balances shall be redistributed by the department and deposited into the Save Our Everglades Trust Fund for land acquisition. For purposes of calculating the total remaining cash balances for this redistribution, the Florida Preservation 2000 Series 2000 bond proceeds, including interest thereon, and the fiscal year 1999-2000 General Appropriations Act amounts shall be deducted from the remaining cash and appropriation balances, respectively. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:*

(a) Fifty percent to the Department of Environmental Protection for the purchase of public lands as described in s. 259.032. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.

(b) Thirty percent to the Department of Environmental Protection for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans approved in accordance with s. 373.456 or for acquisition of lands necessary to implement the Everglades Construction Project authorized by s. 373.4592.

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, \$3 million annually shall be used by the Division of State Lands within the Department of Environmental Protection to implement the Green Swamp Land Protection Initiative specifically for the purchase of conservation easements, as defined in s. 380.0677(4), of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, \$3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of any real property interest in either those lands subject to the Rate of Growth

Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds allocated to the trust after the above transfers occur, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

(d) Two and nine-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, "state park" means all real property in the state under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(e) Two and nine-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07.

(f) Two and nine-tenths percent to the Fish and Wildlife Conservation Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

(g) One and three-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trails systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail.

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund. The board of trustees shall hold title to land protection agreements and conservation easements that were or will be acquired pursuant to s. 380.0677, and the Southwest Florida Water Management District and the St. Johns River Water Management District shall monitor such agreements and easements within their respective districts until the state assumes this responsibility.

Section 37. *The amendment of subsection 259.101(3), Florida Statutes, by this act shall expire July 1, 2002, and the text of that subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text exacted 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 such 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 such subsection which are necessary to give effect to the legislative intent expressed in this section.*

Section 38. In order to implement Specific Appropriation 1789 of the 2001-2002 General Appropriations Act, subsection (8) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(8) *Notwithstanding the provisions of this section, for fiscal year 2001-2002 2000-2001 only, the department shall provide solid waste management and recycling grants only to counties with populations under 100,000. Such grants must be with at least 80 percent of the level of funding they received in fiscal year 2000-2001 1997-1998 for solid*

~~waste management and recycling grants. This subsection expires is repealed on July 1, 2002 2001.~~

Section 39. In order to implement Specific Appropriation 1748 of the 2001-2002 General Appropriations Act, subsection (1) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(1)(a) 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.

(b) *For the 2001-2002 fiscal year only, the use of funds allocated to the Water Management Lands Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires July 1, 2002.*

Section 40. In order to implement Specific Appropriation 1748 of the 2001-2002 General Appropriations Act, subsection (2) of section 253.01, Florida Statutes, is amended to read:

253.01 Internal Improvement Trust Fund established.—

(2)(a) All revenues accruing from sources designated by law for deposit in the Internal Improvement Trust Fund shall be used for the acquisition, management, administration, protection, and conservation of state-owned lands.

(b) *For the 2001-2002 fiscal year only, the use of funds allocated to the Internal Improvement Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires July 1, 2002.*

Section 41. In order to implement Specific Appropriations 1653 and 1748 of the 2001-2002 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 2001-2002 ~~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. 373.0831 ~~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 ~~expires is repealed on July 1, 2002 2001.~~

Section 42. In order to implement Specific Appropriation 1543A of the 2001-2002 General Appropriations Act, paragraph (b) of subsection (1) of section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(1)

(b) Notwithstanding the provisions of paragraph (a), and for the 2001-2002 ~~2000-2001~~ fiscal year only, up to \$2.2 ~~\$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 ~~expires is repealed on July 1, 2002 2001.~~

Section 43. In order to implement Specific Appropriations 2932-2947A of the 2001-2002 General Appropriations Act, subsection (1) of section 265.2861, Florida Statutes, is amended to read:

265.2861 Cultural Institutions Program; trust fund.—

(1) CULTURAL INSTITUTIONS TRUST FUND.—There is created a Cultural Institutions Trust Fund to be administered by the Department of State for the purposes set forth in this section and to support the following programs as follows:

(a) For statewide arts grants, \$2.7 million.

(b) For arts in education and visiting arts programs, \$250,000.

(c) For the State Touring Program, \$200,000. First priority for the issuance of State Touring Program grants shall be given to applicants that reside in counties with a population of 75,000 or less.

(d) For local arts agencies or state service organizations, \$400,000.

(e)1. For the officially designated Art Museum of the 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.

2. *For fiscal year 2001-2002 only, the provisions of subparagraph 1. relating to state-owned cultural facilities shall not be applicable. This subparagraph expires July 1, 2002.*

The trust fund shall consist of moneys appropriated by the Legislature, moneys deposited pursuant to s. 607.1901(2), and moneys contributed to the fund from any other source.

Section 44. In order to implement Specific Appropriation 2898B of the 2001-2002 General Appropriations Act, subsection (5) is added to section 98.0975, Florida Statutes, to read:

98.0975 Central voter file; periodic list maintenance.—

(5)(a) *For the 2001-2002 fiscal year only and notwithstanding the provisions of subsection (1), the division shall provide to each county supervisor of elections a list containing the name, address, date of birth, race, gender, and any other available identifying information of each person included in the central voter file as a registered voter in the supervisor's county whom the division believes may be ineligible to vote based on examination of data obtained from the Florida Department of Law Enforcement, the Board of Executive Clemency, the Office of Vital Statistics, or any other source that indicates that the person is deceased, has been convicted of a felony and has not had his or her civil rights restored, or has been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored.*

(b) *For the 2001-2002 fiscal year only and notwithstanding the provisions of subsection (3), the division is not required to contract with a private entity to compare information.*

(c) *For the 2001-2002 fiscal year only and notwithstanding the provisions of subsection (4), upon receiving the list from the division, the supervisor must attempt to verify the information provided. If the supervisor determines that the information provided by the division is correct, the supervisor must remove from the registration books by the next election the name of any person whom the supervisor confirms is deceased, has been convicted of a felony and has not had his or her civil rights restored, or has been adjudicated mentally incapacitated with respect to voting and has not had his or her mental capacity with respect to voting restored.*

(d) *This subsection expires July 1, 2002.*

Section 45. *In order to implement Specific Appropriation 1488A of the 2001-2002 General Appropriations Act:*

(1) The Department of Agriculture and Consumer Services shall provide compensation to eligible homeowners whose citrus trees have been removed under a citrus canker eradication program. Funds to pay this compensation may be derived from both state and federal matching sources, and shall be specifically appropriated by law. Eligible homeowners shall be compensated subject to the availability of appropriated funds.

(2) To be eligible to receive compensation under the program, a homeowner must:

(a) Be the homeowner of record on the effective date of this act for residential property where one or more citrus trees have been removed as part of a citrus canker eradication program;

(b) Have had one or more citrus trees removed from the property by a tree-cutting contractor as part of a citrus canker eradication program on or after January 1, 1995; and

(c) Have received no commercial compensation and is not eligible to receive commercial compensation from the United States Department of Agriculture for citrus trees removed as part of a citrus canker eradication program.

(3) The amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$100 per tree. If the homeowner's property is eligible for a Shade Dade or a Shade Florida Card, the homeowner may not receive compensation under this section for the first citrus tree removed from the property as part of a citrus canker eradication program.

(4) The specification of a per-tree amount paid for the residential citrus canker compensation program does not limit the amount of any other compensation that may be paid by another entity or pursuant to court order for the removal of citrus trees as part of a citrus canker eradication program.

(5) Of the funds appropriated to the department under this section, the department may use up to \$500,000 to administer the residential citrus canker compensation program. Specifically, the department shall:

(a) Take reasonable steps to identify and notify owners of citrus trees removed as part of a citrus canker eradication program of the availability of the compensation program.

(b) Notify homeowners of the manner in which the owner may request funding.

(c) Develop a compensation request form and make it available to eligible homeowners.

(d) Develop a process to resolve disputes relating to compensation. The department's decision is final and is not subject to chapter 120, Florida Statutes.

(6) The department shall develop a plan to identify, document, and distribute funds in Specific Appropriation 1488A to applicable residents. The department shall submit the plan to the Legislative Budget Commission for review pursuant to section 216.177, Florida Statutes, prior to the release of any funds.

(7) This section expires July 1, 2002.

Section 46. In order to implement section 8 of the 2001-2002 General Appropriations Act, subsection (7) of section 110.12315, Florida Statutes, is amended to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Notwithstanding the provisions of subsections (1) and (2), under the state employees' prescription drug program copayments must be made as follows:

~~(a) 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.

~~(a)(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.

~~(b)(e)~~ The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program.

This subsection expires July 1, 2002 ~~2001~~.

Section 47. In order to implement section 8 of the 2001-2002 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—For the 2001-2002 ~~2000-2001~~ fiscal year only, it is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each revenue estimating conference on health insurance as provided in s. 216.136(1), but not later than December 1 and April 1 of each fiscal year.

(2) The Governor, in the Governor's recommended budget, shall provide premium rates necessary for full funding of the state group health insurance program, and the Legislature shall provide in the General Appropriations Act for a premium level necessary for full funding of the state group health insurance program.

(3) For purposes of funding, any additional appropriation amounts allocated to the state group health insurance program by the Legislature shall be considered as a state contribution and thus an increase in the state premiums.

(4) This section expires ~~is repealed on~~ July 1, 2002 ~~2001~~.

Section 48. In order to implement sections 2-7 of the 2001-2002 General Appropriations Act, subsections (5) and (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.—For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(a) The travel day for Class A travel shall be a calendar day (midnight to midnight). The travel day for Class B travel shall begin at the same time as the travel period. For Class A and Class B travel, the traveler shall be reimbursed one-fourth of the authorized rate of per

diem for each quarter, or fraction thereof, of the travel day included within the travel period. Class A and Class B travel shall include any assignment on official business outside of regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.

(b) A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive subsistence as provided in this section, which allowance for meals shall be based on the following schedule:

1. Breakfast—When travel begins before 6 a.m. and extends beyond 8 a.m.
2. Lunch—When travel begins before 12 noon and extends beyond 2 p.m.
3. Dinner—When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved. The Comptroller shall establish a schedule for processing Class C travel subsistence payments at least on a monthly basis.

(c) For the 2001-2002 fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per-diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2002.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Fifty dollars per diem; or
2. If actual expenses exceed \$50, the amounts permitted in paragraph (b) for meals, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (5)(b):

1. Breakfast \$3
2. Lunch \$6
3. Dinner \$12

(c) No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(d) For the 2001-2002 fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per-diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, 2002.

Section 49. (1) In order to implement Specific Appropriations 2654-2660B and section 47 of the 2001-2002 General Appropriations Act, the Department of Management Services shall submit a plan for the outsourcing of human resource services to the Executive Office of the

Governor and the President of the Senate, the Speaker of the House of Representatives, the chairman of the Senate Appropriations Committee, and the chairman of the House Fiscal Responsibility Council. This plan shall include:

- (a) The costs associated with contracting for outsourcing of human resource services;
- (b) The costs associated with providing those human resource services not outsourced; and
- (c) The cost savings anticipated by the state.

(2) The President of the Senate, the Speaker of the House of Representatives, the chairman of the Senate Appropriations Committee, and the chairman of the House Fiscal Responsibility Council must approve the plan submitted by the department for the outsourcing of human resource services before the department may implement the plan. Upon approval of the plan, the department shall contract with a service provider for human resource services on behalf of all state agencies.

(3) The department shall work with each state agency regarding the implementation of the approved plan. During implementation of the outsourced human resource services, agency full-time-equivalent (FTE) service positions and associated rate shall be placed in unbudgeted reserve by the Executive Office of the Governor pursuant to section 216.181, Florida Statutes. Each agency shall transfer any budget associated with the reserved FTE to a special category for human resource services. To the extent necessary to pay an agency's portion of the costs of the outsourced human resource services, the agency shall pay a special assessment fee to the Department of Management Services.

(4) For purposes of this section, the term "state agencies" means all state entities and government branches using the Cooperative Personnel Employment System (COPES) on March 15, 2001.

(5) Notwithstanding the provisions of sections 216.292 and 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds between agencies to implement the human resource outsourcing plan.

(6) This section expires July 1, 2002.

Section 50. In order to implement Specific Appropriations 2729-2733 and section 55 of the 2001-2002 General Appropriations Act, and for the 2001-2002 fiscal year only, the Executive Office of the Governor, in consultation with the Senate Appropriations Committee and the House Fiscal Responsibility Council, shall develop the initial budget and accounting code structure for the State Technology Office created by section 282.102, Florida Statutes.

Section 51. In order to implement Specific Appropriation 208A of the 2001-2002 General Appropriations Act, subsection (1) of section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(1)(a) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice demand continuous educational and training opportunities, state employees may be authorized to receive fundable tuition waivers on a space-available basis or vouchers to attend work-related courses at public universities. Student credit hours generated by state employee fee waivers shall be fundable credit hours.

(b) For the 2001-2002 fiscal year only and notwithstanding the provisions of paragraph (a), state employees may not be authorized to receive fundable tuition waivers on a space-available basis. This paragraph expires July 1, 2002.

Section 52. In order to implement Specific Appropriation 208A of the 2001-2002 General Appropriations Act, subsection (7) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(7)(a) The Board of Regents is authorized to permit full-time State University System employees who meet academic requirements to enroll for up to 6 credit hours of tuition-free courses per term on a space-available basis.

(b) *For the 2001-2002 fiscal year only and notwithstanding the provisions of paragraph (a), the Board of Regents is not authorized to permit State University System employees to enroll for tuition-free courses. This paragraph expires July 1, 2002.*

Section 53. *A section of this act that implements a specific appropriation or specifically identified proviso language in the 2001-2002 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 2001-2002 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 54. *If any other act passed during the 2001 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 55. *The agency performance measures and standards in the document entitled "Florida's Budget 2001 Agency Performance Measures and Standards Approved by the Legislature for Fiscal Year 2001-02" dated May 1, 2001, and filed with the Secretary of the Senate are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2001-2002, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their Long-Range Program Plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.*

Section 56. *If any provision of this act or its application 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 57. This act shall take effect July 1, 2001; 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, 2001.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act implementing the 2001-2002 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; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; providing for future reversion to current text; amending s. 240.116, F.S.; eliminating restriction of the Advanced International Certificate of Education Program to a pilot program; providing for future reversion to current text; amending s. 240.35, F.S.; including technology fees within the calculation of the range of fees allowed to be adopted by each community college board of trustees; providing for future reversion to current text; amending s. 240.209, F.S.; revising provisions governing student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; providing for future reversion to current text; amending s. 240.35, F.S.; revising provisions governing student fees; increasing the percentage of funds from the financial aid

fee to be used for need-based financial aid; revising provisions regarding annual report; providing for future reversion to current text; amending s. 236.081, F.S.; prescribing a method for determining a school district full-time equivalent membership; 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; authorizing a transfer of funds between the Department of Children and Family Services and the Department of Juvenile Justice relating to transfer of staff between the departments; amending s. 394.908, F.S.; providing for the allocation of certain funds to the G. Pierce Wood Memorial Hospital catchment area or to designated districts or counties; directing the Department of Children and Family Services to develop alternative allocation methodology; amending ss. 430.204, 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and community-care-for-the-elderly services; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funding between certain services; 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. 25.402, F.S.; revising membership of the County Article V Trust Fund advisory committee; revising uses of the fund; amending s. 29.009, F.S.; revising eligibility criteria for receiving funds for extraordinary criminal-case-related costs; providing for future reversion to current text; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01, 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 s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent; 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. 259.101, F.S.; requiring appropriations from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund for land acquisition; providing for disposition and use of certain moneys accruing to the Florida Forever Trust Fund; providing for future reversion to current text; 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; amending s. 373.59, F.S.; providing for use of moneys allocated to the Water Management Lands Trust Fund; amending s. 253.01, F.S.; providing for use of moneys allocated to the Internal Improvement Trust Fund; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 265.2861, F.S.; revising programs supported by the Cultural Institutions Trust Fund; amending s. 98.0975, F.S.; providing for the Division of Elections to compile a list of ineligible voters; requiring the Department of Agriculture and Consumer Services to administer a residential citrus canker compensation program; amending s.

110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; requiring the Department of Management Services to submit a plan for outsourcing human resource services; requiring approval before implementation of the plan; providing for development of the initial budget and accounting code structure for the State Technology Office; amending ss. 110.1099, 240.209, F.S.; providing that state employees and State University System employees may not receive tuition waivers or tuition-free courses; providing for future repeal or expiration of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

On motion by Rep. Murman, the Report of the Conference Committee on SB 2002 was accepted in its entirety.

The question recurred on the passage of SB 2002. The vote was:

Session Vote Sequence: 559

Yeas—114

The Chair	Crow	Johnson	Peterman
Alexander	Cusack	Jordan	Pickens
Allen	Davis	Joyner	Prieguez
Andrews	Detert	Justice	Rich
Arza	Diaz de la Portilla	Kallinger	Richardson
Attkisson	Diaz-Balart	Kendrick	Ritter
Atwater	Dockery	Kilmer	Romeo
Ausley	Farkas	Kosmas	Ross
Baker	Fasano	Kottkamp	Rubio
Ball	Fields	Kravitz	Russell
Barreiro	Flanagan	Kyle	Ryan
Baxley	Gannon	Lacasa	Seiler
Bean	Garcia	Lee	Simmons
Bendross-Mindingall	Gardiner	Littlefield	Siplin
Bennett	Gelber	Lynn	Slosberg
Bense	Gibson	Machek	Smith
Benson	Goodlette	Mack	Sobel
Berfield	Gottlieb	Mahon	Sorensen
Betancourt	Green	Mayfield	Spratt
Bilirakis	Greenstein	Maygarden	Stansel
Bowen	Haridopolos	McGriff	Trovillion
Brummer	Harper	Meadows	Wallace
Brutus	Harrington	Mealor	Waters
Bucher	Hart	Melvin	Weissman
Bullard	Henriquez	Miller	Wiles
Byrd	Heyman	Murman	Wilson
Cantens	Hogan	Needelman	Wishner
Carassas	Holloway	Negron	
Clarke	Jennings	Paul	

Nays—1

Frankel

Votes after roll call:

Yeas—Lerner

So the bill passed, as amended by the Conference Committee Report. The action, together with SB 2002 and the Conference Committee Report thereon, was immediately certified to the Senate.

On motion by Rep. Byrd, the House moved to the consideration of CS for SB 1558.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1558, 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 Saunders—

CS for SB 1558—A bill to be entitled An act relating to health care; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Department of Health to reimburse the Agency for Health Care Administration for certain costs; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing education tracking system; repealing s. 458.31151, F.S.; repealing obsolete provisions; amending s. 457.107, F.S.; for clarification of acupuncture fees; amending s. 483.807, F.S.; relating to clinical laboratory personnel fees; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination item banks with certain entities; clarifying circumstances under which candidates may bring a challenge; providing for electronic administration of certain laws and rules examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.073, F.S.; authorizing a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for the posting of newsletters on the department's website; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising and providing disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 458.345, 458.347, 459.0085, 459.015, 459.022, 460.413, 461.013, 462.14, 463.016, 464.018, 465.008, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, and 491.009, F.S.; revising and conforming provisions relating to disciplinary grounds and penalties; amending s. 458.315, F.S.; revising the procedure for obtaining a temporary permit; amending 459.0075, F.S.; revising the procedure for obtaining a limited license; providing requirements for the Board of Medicine in issuing temporary certificates; amending s. 456.065, F.S.; requiring the unlicensed activity fee to be in addition to all other fees collected from each licensee; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; amending s. 456.003, F.S.; providing a limitation on the duties of certain boards; providing for the Agency for Health Care Administration to create the Organ Transplant Task Force to study organ transplantation programs; requiring the task force to study and make recommendations on the necessity of the

issuance of certificates of need for such programs and funding for organ transplantation; providing a date for the task force to report to the Governor and the Legislature; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Services; amending s. 483.245, F.S.; prohibiting rebate or split-fee arrangements with dialysis facilities for patient referrals to clinical laboratories; providing penalties; amending s. 232.435, F.S.; providing training requirements for a first responder and teacher athletic trainer; amending s. 383.14, F.S.; amending screening requirements for postnatal screening; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 409.905, F.S.; providing that the Agency for Health Care Administration may restrict the provision of mandatory services by mobile providers; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.057, F.S.; providing for appointment of a records custodian under certain circumstances; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the Department of Health to notify the patient or legal representative of the status of a disciplinary case; requiring the department to provide certain information to the complainant; providing time limitations on the filing of administrative complaints against licensees of the department; amending s. 456.074, F.S.; providing for an emergency order suspending the license of a practitioner for fraud; amending s. 456.077, F.S.; specifying violations for which the Department of Health or a regulatory board may issue citations; amending s. 456.081, F.S.; requiring the Department of Health and regulatory boards to maintain a website containing specified information; amending ss. 458.331 and 459.015, F.S.; conforming language and cross references to changes made by the act; amending s. 641.51, F.S.; revising adverse determination provisions; amending ss. 465.019 and 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the Department of Health and the Agency for Health Care Administration to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s. 468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3) and 468.1735, F.S., to incorporate said amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1), in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a) and 626.989(6), F.S., to incorporate said amendment in references; amending s. 766.1115, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data

verified by the department or its designee may be relied upon to meet accreditation purposes; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; transferring the nursing scholarship program from the Department of Education to the Department of Health; providing requirements under the program for students seeking to qualify for a nursing faculty position and receive credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant notification process; creating s. 464.0195, F.S.; creating the Florida Center for Nursing and providing its goals; creating s. 464.0196, F.S.; providing for a board of directors; providing for appointment of board members; providing for staggered terms; providing powers and duties; authorizing per diem and travel expenses; creating s. 464.0197, F.S.; declaring state budget support for the center; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the Legislature an implementation plan detailing the impact and cost of any such proposed rule change; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; requiring study by Office of Program Policy Analysis and Government Accountability of the feasibility of maintaining all of Medical Quality Assurance in one state agency; creating s. 456.0375, F.S.; requiring registration of certain clinics; providing requirements, including fees; providing rulemaking authority; requiring medical directors or clinic directors for such clinics and providing their duties and responsibilities; providing an appropriation; amending s. 456.031, F.S.; providing an alternative by which licensees under ch. 466, F.S., relating to dentistry, may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which such licensees may comply with a general requirement that they take AIDS/HIV education courses; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental service claims; providing applicability; amending s. 468.302, F.S.; revising a provision relating to exemption from certification to use radiation on human beings; providing training requirements; amending ss. 468.352, 468.355, 468.357, 468.358, and 468.359, F.S.; revising definitions and provisions relating to licensure and use of titles and abbreviations to correct and conform terminology with respect to respiratory therapists and respiratory care practitioners; amending ss. 468.1155 and 468.1215, F.S.; revising requirements for licensure to practice speech-language pathology or audiology and for certification of speech-language pathology or audiology assistants; amending s. 480.033, F.S.; correcting terminology in the definition of "massage"; amending s. 484.002, F.S.; amending and creating definitions; amending ss. 484.002, 484.006, 484.012, F.S.; replacing references to the term "medical doctor" with the term "allopathic or osteopathic physician"; amending s. 484.013, F.S.; increasing the penalty for certain acts involving preparation or dispensing of optical devices; amending s. 921.0022, F.S.; providing for the ranking of such offense on the offense severity ranking chart;

amending s. 484.015, F.S.; revising inspection authority; amending s. 484.0445, F.S.; removing certain provisions relating to the training program for hearing aid specialists; amending s. 484.045, F.S.; revising requirements for licensure as a hearing aid specialist by examination; amending s. 490.012, F.S.; prohibiting the use of certain titles or descriptions relating to the practice of psychology or school psychology unless properly licensed; providing penalties; amending s. 490.014, F.S.; revising exemptions from regulation under ch. 490, F.S., relating to psychology; correcting a cross-reference; amending s. 491.012, F.S.; revising prohibitions against unlicensed practice of clinical social work, marriage and family therapy, and mental health counseling to provide that practice by registered interns is lawful; amending s. 491.014, F.S.; revising exemptions from licensure under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to prohibit the use by certain employees of titles, names, or descriptions protected by the chapter; amending ss. 458.319, 459.008, and 765.102, F.S.; conforming terminology relating to palliative care; amending s. 765.101, F.S.; redefining the term "end-stage condition" with respect to health care advance directives; creating s. 765.1025, F.S.; prescribing the content and suitability of palliative care; amending s. 765.1103, F.S.; revising provisions relating to compliance with requests for pain management and palliative care; amending s. 765.205, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by health care surrogates, persons who have durable powers of attorney for health care, and proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by proxy decisionmakers; requiring the Department of Health to conduct an interim study on specialty certification and provide a report to the Legislature; amending s. 499.012, F.S.; authorizing transfer of prescription drugs between a retail pharmacy and a Modified Class II institutional pharmacy under a retail pharmacy wholesaler's permit; providing legislative intent; amending ss. 395.3025, 400.1415, and 456.057, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing absent a specific written release or authorization; providing penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing rulemaking authority; establishing the Office of Community Partners within the Department of Health to provide for delivery of social services through eligible private organizations and programs; providing procedure for transfer of general revenue funds to match federal funds received by the office; creating s. 458.3147, F.S.; providing automatic admission to any medical school in the State University System for United States Military Academy students or graduates; amending s. 409.91188, F.S.; requiring the Agency for Health Care Administration to seek certain waivers to allow certain Medicare beneficiaries to participate in the Medipass HIV disease management program; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; amending s. 766.302, F.S.; clarifying the definition of the term "birth-related neurological injury"; amending s. 766.31, F.S.; providing for payment of funeral expenses up to a specified amount; repealing s. 766.308, F.S., which provides for review by a medical advisory panel; amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; repealing s. 1, ch. 99-158, Laws of Florida, relating to a deadline to apply for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; providing effective dates.

—was read the first time by title. On motion by Rep. Farkas, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 560

Yeas—114

Table with 4 columns: The Chair, Allen, Arza, Atwater, Alexander, Andrews, Attkisson, Ausley

Table with 4 columns: Baker, Ball, Barreiro, Baxley, Bean, Bendross-Mindingall, Bennett, Bense, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Carassas, Clarke, Crow, Cusack, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Fasano, Fields, Flanagan, Frankel, Gannon, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrell, Hart, Henriquez, Heyman, Hogan, Holloway, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Lacasa, Lee, Lerner, Littlefield, Lynn, Machek, Mack, Mahon, Mayfield, Maygarden, Meadows, Mealar, Melvin, Miller, Murman, Needelman, Negron, Paul, Pickens, Prieguez, Rich, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Slosberg, Smith, Sobel, Sorensen, Spratt, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, Wilson, Wishner

Nays—None

Votes after roll call:

Yeas—Peterman

So the bill passed and was immediately certified to the Senate.

Consideration of CS for SB 962

On motion by Rep. Meadows, the rules were waived by the required two-thirds vote and—

CS for SB 962—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 561

Yeas—116

Table with 4 columns: The Chair, Brummer, Garcia, Justice, Alexander, Brutus, Gardiner, Kallinger, Allen, Bucher, Gelber, Kendrick, Andrews, Bullard, Gibson, Kilmer, Arza, Byrd, Goodlette, Kosmas, Attkisson, Cantens, Gottlieb, Kottkamp, Atwater, Carassas, Green, Kravitz, Ausley, Clarke, Greenstein, Kyle, Baker, Crow, Haridopolos, Lacasa, Ball, Cusack, Harper, Lerner, Barreiro, Davis, Harrell, Littlefield, Baxley, Detert, Harrington, Lynn, Bean, Diaz de la Portilla, Hart, Machek, Bendross-Mindingall, Diaz-Balart, Henriquez, Mack, Bennett, Dockery, Heyman, Mahon, Bense, Farkas, Hogan, Mayfield, Benson, Fasano, Holloway, Maygarden, Berfield, Fields, Jennings, McGriff, Betancourt, Flanagan, Johnson, Meadows, Bilirakis, Frankel, Jordan, Mealar, Bowen, Gannon, Joyner, Melvin

Miller	Rich	Seiler	Stansel
Murman	Richardson	Simmons	Trovillion
Needelman	Ritter	Siplin	Wallace
Negron	Romeo	Slosberg	Waters
Paul	Ross	Smith	Weissman
Peterman	Rubio	Sobel	Wiles
Pickens	Russell	Sorensen	Wilson
Prieguez	Ryan	Spratt	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Kyle, the House moved to the consideration of CS for SB 202.

Bills and Joint Resolutions on Third Reading

CS for SB 202—A bill to be entitled An act relating to the size of individual containers of malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size; creating s. 564.055, F.S.; providing certain size restrictions on containers in which cider is packaged and sold; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 562

Yeas—111

The Chair	Detert	Johnson	Paul
Allen	Diaz de la Portilla	Jordan	Peterman
Arza	Diaz-Balart	Joyner	Pickens
Atwater	Dockery	Justice	Prieguez
Ausley	Farkas	Kallinger	Rich
Baker	Fasano	Kendrick	Richardson
Ball	Fields	Kilmer	Ritter
Barreiro	Flanagan	Kosmas	Romeo
Baxley	Frankel	Kottkamp	Ross
Bean	Gannon	Kravitz	Rubio
Bendross-Mindingall	Garcia	Kyle	Russell
Bennett	Gardiner	Lacasa	Ryan
Bense	Gelber	Lee	Seiler
Benson	Gibson	Lerner	Simmons
Berfield	Goodlette	Littlefield	Siplin
Betancourt	Gottlieb	Lynn	Slosberg
Bilirakis	Green	Machek	Smith
Bowen	Greenstein	Mack	Sobel
Brutus	Haridopolos	Mahon	Sorensen
Bucher	Harper	Mayfield	Spratt
Bullard	Harrell	Maygarden	Stansel
Byrd	Harrington	McGriff	Wallace
Cantens	Hart	Meadows	Waters
Carassas	Henriquez	Mealor	Weissman
Clarke	Heyman	Melvin	Wiles
Crow	Hogan	Murman	Wilson
Cusack	Holloway	Needelman	Wishner
Davis	Jennings	Negron	

Nays—4

Andrews	Attkisson	Brummer	Miller
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So the bill passed and was immediately certified to the Senate.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1225, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 1225—A bill to be entitled An act relating to economic development; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms “eligible business” and “new employee”; defining the terms “jobs” and “new job has been created”; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term “eligible business”; defining the term “qualified area”; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms “new employee” and “project”; defining the terms “new job has been created” and “jobs”; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term “rural enterprise zone”; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.;

modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms "elderly" and "housing for the elderly" under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; amending s. 446.609, F.S.; deleting a time-period limitation for the "Jobs for Florida's Graduates" school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation's board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; authorizing the Department of Citrus or its successor to collect dues or other payments on behalf of certain not-for-profit corporations and their related not-for-profit corporations; providing effective dates.

Senate Amendment 1 (with title amendment)—On page 7, line 7, through page 26, line 11, delete those lines

and insert:

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, through page 2, line 11, delete those lines

and insert: amending s. 212.08, F.S.;

Senate Amendment 2—On page 96, line 14, delete "200"

and insert: 150

Senate Amendment 3 (with title amendment)—On page 118, following line 31,

insert:

Section 44. Paragraph (a) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. An amendment proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible. *For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, following the semicolon

insert: amending s. 163.3177, F.S.; revising criteria for a comprehensive plan land use element for schools in certain rural counties;

Senate Amendment 4 (with title amendment)—On page 118, after line 31,

insert:

Section 44. Paragraph (a) of subsection (3) of section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(3)(a) The Office of Tourism, Trade, and Economic Development may approve applications for certification pursuant to ss. 288.1045(3) and 288.106. However, the total state share of tax refund payments scheduled in all active certifications for fiscal year ~~2000-2001 shall not exceed \$24 million. The state share of tax refund payments scheduled in all active certifications for fiscal year 2001-2002 may and each subsequent year shall not exceed \$30 million. The total for each subsequent fiscal year may not exceed \$35 million.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon,

insert: amending s. 288.095, F.S.; providing a cap on the total state share of tax refund payments scheduled in all active certifications approved by the Office of Tourism, Trade, and Economic Development;

Senate Amendment 5 (with title amendment)—On page 7, line 6, insert:

Section 1. Paragraph (b) of subsection (3) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(3) As used in this section:

(b) “Public agency” means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, a *federally recognized Native American tribe*, and any similar entity of any other state of the United States.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon,

insert: amending s. 163.01, F.S.; redefining the term “public agency” for purposes of the Florida Interlocal Cooperation Act of 1969;

Senate Amendment 9 (with title amendment)—On page 119, line 1,

insert:

Section 44. *The sum of \$1,000,000 is appropriated from nonrecurring General Revenue funds for Fiscal Year 2001-2002, to the Executive Office of the Governor, Office of Tourism, Trade and Economic Development to contract with Enterprise Florida, Inc., to promote the growth of employment in the Information Technology Industry and expended as follows: There shall be paid an incentive payment to a qualifying corporation in an amount equal to the product of \$3,000 and the total number of full-time Florida employees in the employ of the qualifying corporation as of December 31, 2001. Incentive payments shall be made to qualifying corporations submitting applications after February 15,*

2002 until \$1,000,000 appropriated for this purpose is depleted, in the order in which applications from qualifying corporations are received by Enterprise Florida, Inc. The amount of the incentive payment made to an individual corporation cannot exceed the gross compensation of all new full-time Florida employees hired between January 1, 2001 and December 31, 2001. For these purposes “qualifying corporation” means an Information Technology Industry corporation (1) whose percentage increase in full-time Florida employees equals or exceeds ten percent or whose new full-time Florida employees is at least 50 and (2) the average gross compensation of all its full-time Florida employees for calendar year 2001 exceeds \$60,000. A corporation is an “Information Technology Industry” corporation if it derives more than 50% of its revenues during calendar year 2001 from (1) designing, developing, manufacturing, processing, or producing computer software, including but not limited to operating systems, software applications, internet enablement software, business information systems software, and enterprise resource planning software, or (2) the sale to end users of voice or data services delivered over a broadband facility capable of transmission in speeds in excess of 128kbps. “New full-time Florida employees” means the number of full-time Florida employees as of December 31, 2001 less the number of full-time Florida employees as of December 31, 2000. “Full-time Florida employee” means an employee who performs duties for an average of 36 hours or more per week and is reported on the corporation’s Florida Unemployment Compensation Report, Form UCT-6. “New employee” means an employee hired or relocated to Florida on or after January 1, 2001 and during calendar year 2001. An individual employed in Florida by a member of the same affiliated group of corporations at any time during the 12 months preceding the date of hire or relocation by the qualifying corporation shall not be counted as a new employee. “Gross compensation” means all amounts reported in Box 5 of the employee’s Federal Form W-2, Wages and Tax Statement. Average gross compensation shall mean total gross compensation for all full-time Florida employees for calendar year 2001 divided by the number of full-time Florida employees as of December 31, 2001. A qualifying corporation shall include with its application for incentive payments documentation reflecting compliance with the foregoing job growth and compensation requirements. Such documentation may include W-2 forms, state unemployment compensation tax returns or other supporting schedules. The funds subject to this proviso shall be subject to the provisions of s. 216.301(1)(a).

and redesignate subsequent sections.

And the title is amended as follows:

On page 7, line 2, after the semicolon,

insert: providing an appropriation for promoting growth of employment in the Information Technology Industry;

Senate Amendment 10 (with title amendment)—On page 119, line 1,

insert:

Section 44. *There is appropriated from nonrecurring general revenue a refund of sales taxes paid in fiscal year 2001-2002 to any facility, school, or business that is certified under Part 142 of Federal Aviation Regulations and trains aircraft pilots and flight crews for approval, certification, or regulation by the Federal Aviation Administration, or a comparable foreign national government regulatory agency. Total refunds to all such facilities, school, or businesses shall not exceed \$500,000.*

and redesignate subsequent sections.

And the title is amended as follows:

On page 7, line 2, after the semicolon

insert: provides a one time sales tax refund for Type 142 air crew training simulators;

Senate Amendment 11 (with title amendment)—On page 119, before line 1,

insert:

Section 107. *The sum of \$650,000 is appropriated to the Florida Commercial Space Financing Corporation from the General Revenue Fund for fiscal year 2001-2002, and the sum of \$650,000 is appropriated to the Spaceport Florida Authority from the General Revenue Fund for fiscal year 2001-2002. The funds distributed to the Florida Commercial Space Financing Corporation pursuant to this section shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. These funds distributed to the Spaceport Florida Authority shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software. The funds distributed to the Florida Commercial Space Financing Corporation shall be used solely for funding aerospace infrastructure as defined in this sub-subparagraph. The funds distributed to the Spaceport Florida Authority pursuant to this section shall be used solely for aerospace infrastructure funding purposes based on recommendations made to the authority by the director of the Office of Tourism, Trade, and Economic Development. Proposals for aerospace infrastructure funding through the authority shall be submitted to the Space Industry Committee created pursuant to s. 331.367, or any successor organization, and the committee shall, at least once each quarter, submit a written report to the director of the Office of Tourism, Trade, and Economic Development delineating the committee's recommendation for prioritizing those proposals that it has reviewed. The director of the Office of Tourism, Trade, and Economic Development shall take into consideration the prioritization reports of the Space Industry Committee. For purposes of this sub-subparagraph, "aerospace infrastructure" means land, buildings and other improvements, fixtures, machinery, equipment, instruments, and software that will improve the state's capability to support, expand, or attract the launch, construction, processing, refurbishment, or manufacturing of rockets, missiles, capsules, spacecraft, satellites, satellite control facilities, ground support equipment and related tangible personal property, launch vehicles, modules, space stations or components destined for space station operation, and space flight research and development facilities, instruments, and equipment, together with any engineering, permitting, and other expenses directly related to such land, buildings, improvements, fixtures, machinery, equipment, instruments, or software.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 2, after the semicolon,

insert: providing appropriations; providing funding to the Florida Commercial Space Financing Corporation and the Spaceport Florida Authority and used for funding aerospace infrastructure; providing duties of the corporation, the authority, the Office of Tourism, Trade, and Economic Development, and the Space Industry Committee; providing a definition; providing an appropriation;

On motion by Rep. Pickens, the House concurred in Senate Amendments 1, 2, 3, 4, 5, 9, 10, and 11. The question recurred on the passage of HB 1225. The vote was:

Session Vote Sequence: 563

Yeas—107

The Chair	Detert	Jordan	Paul
Alexander	Diaz de la Portilla	Joyner	Peterman
Allen	Diaz-Balart	Justice	Pickens
Arza	Dockery	Kallinger	Prieguez
Attkisson	Farkas	Kendrick	Rich
Atwater	Fasano	Kilmer	Richardson
Baker	Fields	Kosmas	Ritter
Ball	Flanagan	Kottkamp	Romeo
Barreiro	Gannon	Kravitz	Ross
Baxley	Garcia	Kyle	Rubio
Bean	Gardiner	Lacasa	Russell
Bendross-Mindingall	Gelber	Lee	Ryan
Bennett	Goodlette	Lerner	Seiler
Benson	Gottlieb	Littlefield	Simmons
Berfield	Green	Lynn	Siplin
Betancourt	Greenstein	Machek	Smith
Bilirakis	Haridopolos	Mahon	Sobel
Bowen	Harper	Mayfield	Sorensen
Brummer	Harrell	Maygarden	Spratt
Brutus	Harrington	McGriff	Stansel
Bucher	Hart	Meadows	Trovillion
Bullard	Henriquez	Mealor	Wallace
Byrd	Heyman	Melvin	Waters
Cantens	Hogan	Miller	Weissman
Carassas	Holloway	Murman	Wilson
Clarke	Jennings	Needelman	Wishner
Crow	Johnson	Negron	

Nays—1

Mack

Votes after roll call:

Yeas—Cusack, Davis, Gibson, Wiles

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Disclosure of Interest

With regard to the House's consideration of House Bill 1225 and pursuant to House Rule 20(b), I hereby give notice of my employment as a real estate agent with Arvida Realty in Punta Gorda, a subsidiary of The St. Joe Company.

*Rep. Lindsay M. Harrington
District 72*

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1, amended House Amendment 2 and concurred in same as amended, passed as further amended CS for SB 2 and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS for SB 2—A bill to be entitled An act relating to retirement; providing a declaration of an important state interest; providing for a one-time cost-of-living increase for certain retired members of the Florida Retirement System who have service credit earned between September 30, 1978, and January 1, 1993, in the Special Risk Class of the Florida Retirement System; providing an effective date.

(House Amendment 2 attached to original bill and shown in the *Journal* earlier today.)

Senate Amendment 1 to House Amendment 2 (with title amendment)—On page 1, line 17, through page 8, line 22, delete those lines

and insert:

Section 1. Effective October 1, 2001, subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs shall be excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government ~~the~~ employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires, fire prevention, or firefighter training; ~~or~~ direct supervision of firefighting units, fire prevention, or firefighter training; or aerial firefighting surveillance performed by fixed-wing pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, wardens and assistant wardens, as defined by rule, shall participate in the Special Risk Class;

(d) The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care or direct supervision of emergency medical technicians or paramedics, or the member must be the supervisor or command officer of one or more members who have such responsibility. However, administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(e) The member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, shall not be included; however, probation and parole circuit and deputy circuit administrators shall participate in the Special Risk Class; or

(f) The member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204).
2. Public health nutrition consultant (class code 5224).
3. Psychological specialist (class codes 5230 and 5231).
4. Psychologist (class code 5234).
5. Senior psychologist (class codes 5237 and 5238).
6. Regional mental health consultant (class code 5240).
7. Psychological Services Director—DCF (class code 5242).
8. Pharmacist (class codes 5245 and 5246).
9. Senior pharmacist (class codes 5248 and 5249).
10. Dentist (class code 5266).
11. Senior dentist (class code 5269).
12. Registered nurse (class codes 5290 and 5291).
13. Senior registered nurse (class codes 5292 and 5293).
14. Registered nurse specialist (class codes 5294 and 5295).
15. Clinical associate (class codes 5298 and 5299).
16. Advanced registered nurse practitioner (class codes 5297 and 5300).
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305).
18. Registered nurse supervisor (class codes 5306 and 5307).
19. Senior registered nurse supervisor (class codes 5308 and 5309).
20. Registered nursing consultant (class codes 5312 and 5313).
21. Quality management program supervisor (class code 5314).
22. Executive nursing director (class codes 5320 and 5321).
23. Speech and hearing therapist (class code 5406); or
24. Pharmacy manager (class code 5251).

Section 2. Effective October 1, 2001, subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)(a) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part III of chapter 110, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the local agency employer. Notice of intent to designate positions for

inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the Department of Management Services; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class pursuant to the provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether. The decision to withdraw from the Florida Retirement System shall be irrevocable for as long as the employee holds such a position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

(c)1. Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for up to 75 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the House of Representatives, as selected by the Speaker of the House of Representatives, up to 50 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the Senate, as selected by the President of the Senate, all staff directors of joint committees and service offices of the Legislature, the Auditor General and up to 9 managerial or policymaking positions within his or her office as selected by the Auditor General, and the executive director of the Commission on Ethics.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any legislative employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position.

3. In lieu of participation in the Senior Management Service Class, at the discretion of the President of the Senate and the Speaker of the House of Representatives, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(d) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System in a position that has been designated eligible for inclusion in the Executive Service of the State University System or who holds a position as president of a state university, unless such member elects, pursuant to s. 121.35, to participate in the optional retirement program.

(e) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for the number of senior managers who have policymaking authority with the State Board of Administration, as determined by the Governor, Treasurer, and Comptroller acting as the State Board of Administration, unless such member elects to participate in the Senior Management Service Optional Annuity Program as established in subsection (6) in lieu of participation in the Senior Management Service Class. Such election

shall be made in writing and filed with the division and the personnel officer of the State Board of Administration within 90 days after becoming eligible for membership in the Senior Management Service Class.

(f) Effective July 1, 1997:

1. Any elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. Any elected county officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected county officers, elect to participate in a lifetime monthly annuity program, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

(g) Effective July 1, 1996, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System employed with the Department of Military Affairs in the positions of the Adjutant General, Assistant Adjutant General-Army, Assistant Adjutant General-Air, State Quartermaster, Director of Military Personnel, Director of Administration, and additional directors as designated by the agency head, not to exceed a total of 10 positions. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the Capital Collateral Regional Counsels, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and

such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels. *Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.*

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, *assistant attorneys general*, and assistant capital collateral regional counsels, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(i)1. Except as provided in subparagraph 2., effective July 1, 1999, participation in the Senior Management Service Class is compulsory for any member of the Florida Retirement System who is employed as a judge of compensation claims with the Office of the Judges of Compensation Claims within the Department of Labor and Employment Security.

2. In lieu of participating in the Senior Management Service Class, a judge of compensation claims may participate in the Senior Management Service Optional Annuity Program established under subsection (6).

(j) Except as may otherwise be provided, any member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph (4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit pursuant to this paragraph shall be equal to the difference in the contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 3. Subsection (1), paragraph (a) of subsection (2), paragraph (e) of subsection (4), paragraph (b) of subsection (8), and paragraphs (a) and (b) of subsection (9) of section 121.4501, Florida Statutes, are amended, and paragraph (f) is added to subsection (9) of that section, to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employers shall contribute, as provided in this section and s. 121.571, to the *Public Employee Optional Retirement Program Trust Fund* toward the funding of such optional benefits.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program. *The term includes a bundled provider that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on*

account balances and transactions; guidance, advice, and allocation services directly relating to its own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA) and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the optional retirement program; a broad array of distribution options; asset allocation; and retirement counseling and education. Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, at the employee's discretion, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move to the defined benefit program, the employee must transfer from his or her Public Employee Optional Retirement Program account and from other employee moneys as necessary, a sum representing the *present value of that employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the Public Employee Optional Retirement Program* ~~all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.~~ *Benefit commencement occurs on the first date the employee would become eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the defined benefit plan, the then-present value of such accrued benefit shall be deemed part of the required transfer amount described in this subparagraph. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.*

3. *Notwithstanding subparagraph 2., an employee who chooses to move to the defined benefit program and who became eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her Public Employee Optional Retirement Program account and, from other employee moneys as necessary, a sum representing that employee's actuarial accrued liability.*

4. *Employees' ability to transfer from the Florida Retirement System defined benefit program to the Public Employee Optional Retirement Program pursuant to paragraphs (a) through (d), and the ability for current employees to have an option to later transfer back into the defined benefit program under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any such resulting unfunded liability arising from actual original transfers from the defined benefit program to the optional program shall be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, no direct amortization payment shall be calculated for this base. During this 25-year period, such separate base shall be used to offset the impact of employees exercising their second program election*

under this paragraph. It is the legislative intent that the actuarial funded status of the Florida Retirement System defined benefit plan is neither beneficially nor adversely impacted by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following this initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services if those services cannot be competitively and contractually provided by the Division of Retirement within the Department of Management Services. With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. This section does not prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; or periodic reporting to participants, at least quarterly, on account balances and transactions, if these services are authorized by the board as part of the contract.

3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

4. Educational services shall be designed by the board and department to assist employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined benefit or defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the differences between the defined benefit retirement plan and the defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products to which employees may direct retirement contributions under the program. In accordance with such policy and procedures, the board shall designate and contract for a number of

investment products as determined by the board. The board shall also select one or more bundled providers each of whom may offer multiple investment options and related services products when such an approach is determined by the board to afford value to the participants otherwise not available through individual investment products. Each approved bundled provider may offer investment options that provide participants with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent either a single asset class or a combination thereof: money markets, United States fixed income, United States equities, and foreign stock. The board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the plan.

(b) The board shall consider investment options or products it considers appropriate to give participants the opportunity to accumulate retirement benefits, subject to the following:

1. The Public Employee Optional Retirement Program must offer a diversified mix of low-cost investment products that span the risk-return spectrum and may include a guaranteed account as well as investment products, such as individually allocated guaranteed and variable annuities, which meet the requirements of this subsection and combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime-income benefit provided by the Florida Retirement System.

2. Investment options or products offered by the group of approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, and may include products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity.

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. This prohibition does not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.

4. Fees or charges for insurance features, such as mortality and expense-risk charges, must be reasonable relative to the benefits provided.

(f)1. An approved provider shall comply with all federal and state securities and insurance laws and regulations applicable to the provider, as well as the applicable rules and guidelines of the National Association of Securities Dealers which govern the ethical marketing of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual participants and recommend investment products, which system is consistent with rules of the National Association of Securities Dealers.

2. Approved provider personnel who directly communicate with individual participants and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular participant.

3. The board shall develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate agency.

4. *Approved providers may not sell or in any way distribute any customer list or participant identification information generated through their offering of products or services through the optional retirement program.*

Section 4. Subsection (9) is added to section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(9) *CREDIT FOR UPGRADED SERVICE.—Any member of the Special Risk Class who has earned creditable service in another membership class of the Florida Retirement System as an emergency medical technician or paramedic, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit under this subsection shall be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.*

Section 5. *It is the intent of the Legislature that any additional cost attributable to the upgrade in the retirement benefits for emergency medical technicians and paramedics above the contributions paid in accordance with section 4 of this act shall be funded by recognition of the necessary amount from the excess actuarial assets of the Florida Retirement System Trust Fund.*

Section 6. Paragraph (e) of subsection (3) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(3) **PARTICIPATION AND WITHDRAWAL, GENERALLY.**—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(e) Effective July 1, 2001 ~~1997~~, the governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected Officers' Class. Such election shall be made between July 1, 2001 ~~1997~~, and December 31, 2001 ~~1997~~, and shall be irrevocable. The designation of such positions shall be effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

And the title is amended as follows:

On page 9, lines 6 through 12, delete those lines

and insert: amending s. 122.0515, F.S., relating to special risk membership; revising criteria for members employed as firefighters, emergency medical technicians, or paramedics; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term "approved provider" for purposes of the Public Employee Optional Retirement Program; revising requirements for transferring a member's optional program account to the defined benefit plan; providing for amortization of any unfunded liability; providing requirements for the State Board of Administration in administering the program; revising requirements for the board in selecting providers of investment products; requiring that providers comply with federal and state securities and insurance laws and rules governing the ethical marketing of investment products; requiring that the board develop procedures for resolving complaints of participants; prohibiting providers from selling or distributing customer lists generated through the optional retirement program; amending s. 121.0515, F.S.; allowing certain Special Risk Class members of the Florida Retirement System to purchase additional retirement credit;

providing for funding; amending s. 121.052, F.S.; providing a period in which municipalities and special districts may designate elected positions for inclusion in the Elected Officers' Class; providing

On motion by Rep. Fasano, the House concurred in Senate Amendment 1 to House Amendment 2. The question recurred on the passage of CS for SB 2. The vote was:

Session Vote Sequence: 564

Yeas—116

The Chair	Crow	Holloway	Needelman
Alexander	Cusack	Jennings	Negron
Allen	Davis	Johnson	Paul
Andrews	Detert	Jordan	Peterman
Arza	Diaz de la Portilla	Joyner	Pickens
Attkisson	Diaz-Balart	Justice	Prieguez
Atwater	Dockery	Kallinger	Rich
Ausley	Farkas	Kendrick	Richardson
Baker	Fasano	Kilmer	Ritter
Ball	Fields	Kosmas	Romeo
Barreiro	Flanagan	Kottkamp	Ross
Baxley	Frankel	Kravitz	Rubio
Bean	Gannon	Kyle	Russell
Bendross-Mindingall	Garcia	Lacasa	Ryan
Bennett	Gardiner	Lee	Seiler
Bense	Gelber	Lerner	Simmons
Benson	Gibson	Littlefield	Siplin
Berfield	Goodlette	Lynn	Slosberg
Betancourt	Gottlieb	Machek	Smith
Bilirakis	Green	Mack	Sobel
Bowen	Greenstein	Mahon	Spratt
Brummer	Haridopolos	Mayfield	Stansel
Brutus	Harper	Maygarden	Trovillion
Bucher	Harrell	McGriff	Wallace
Bullard	Harrington	Meadows	Waters
Byrd	Hart	Mealor	Weissman
Cantens	Henriquez	Melvin	Wiles
Carassas	Heyman	Miller	Wilson
Clarke	Hogan	Murman	Wishner

Nays—None

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

On motion by Rep. Kravitz, the House moved to the consideration of CS/CS/HB 267.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/CS/HB 267, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/CS/HB 267—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum to include community-based residential commitment programs; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 228.041, F.S.; authorizing additional teacher planning days for nonresidential programs of the Department of Juvenile Justice upon the request of the provider; amending s. 230.23161, F.S.; providing legislative goals with respect to education within department programs; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of

Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; limiting the department's authority to provide an exemption; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction in certain circumstances; providing for retroactive effect; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01 and 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; amending s. 985.02, F.S.; clarifying legislative intent concerning the responsibilities of parents, custodians, and guardians of children in the juvenile justice system; amending s. 985.03, F.S.; revising definitions; defining the term "respite" for purposes of ch. 985, F.S.; amending s. 985.04, F.S.; providing that certain records maintained by the Department of Juvenile Justice need only be retained for 25 years; expanding the circumstances under which certain juvenile records are not considered confidential and exempt solely because of age; amending ss. 985.207 and 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; requiring the parent or guardian to provide certain information; amending s. 985.21, F.S.; requiring the parent or guardian of a juvenile to provide certain information to the juvenile probation officer; amending s. 985.215, F.S.; revising provisions related to the collection of certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231 and 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; revising provisions related to the collection of certain fees; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of records; amending s. 985.31, F.S., relating to serious or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; providing legislative intent with regard to contracting with faith-based organizations that provide services to juveniles; clarifying conditions under which a juvenile may be transferred; deleting language relating to the collection and reporting of cost data and program ranking; amending s. 985.412, F.S.; adding requirements relating to the collection and reporting of cost data and program ranking; requiring the Department of Juvenile Justice to submit proposals for funding incentives and disincentives based upon quality assurance performance and cost-effectiveness performance to the Legislature by a date certain; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; creating s. 985.42, F.S.; authorizing the secretary to designate certain

employees as law enforcement officers; creating s. 985.422, F.S.; authorizing the deposit of repair and maintenance funds into the Administrative Trust Fund; amending s. 985.401, F.S., to conform; requiring the Office of Program Policy Analysis and Government Accountability to annually review certain safety and security best practices; requiring school districts to use such practices to conduct certain assessments; requiring school district superintendents to make certain recommendations to school boards based on such assessments; requiring school boards to hold public meetings on the assessments and recommendations; repealing s. 985.404(10) and (11), F.S., relating to an annual cost data collection and reporting program of the Department of Juvenile Justice and cost-effectiveness model development and application to commitment programs of the department; providing effective dates.

Senate Amendment 1—On page 68, line 5, after the word "damages"

insert: *in non-hardware-secure facilities until January 1, 2002*

Senate Amendment 2 (with title amendment)—On page 71, line 31,

insert:

Section 42. Paragraph (e) is added to subsection (15) of section 121.021, Florida Statutes, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(15)

(e) *Effective July 1, 2001, the term "special risk member" includes any member who is employed as a youth custody officer by the Department of Juvenile Justice and meets the special criteria set forth in s. 121.0515(2)(g).*

Section 43. Paragraph (g) is added to subsection (2) of section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(g) *The member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 5, after the semicolon,

insert: amending s. 121.021, F.S.; amending the definition of the term "special risk member"; amending s. 121.0515, F.S.; providing an additional criterion for designation as a special risk member;

On motion by Rep. Kravitz, the House concurred in Senate Amendments 1 and 2. The question recurred on the passage of CS/CS/HB 267. The vote was:

Session Vote Sequence: 565

Yeas—116

The Chair	Baker	Benson	Bullard
Alexander	Ball	Berfield	Byrd
Allen	Barreiro	Betancourt	Cantens
Andrews	Baxley	Bilirakis	Carassas
Arza	Bean	Bowen	Clarke
Attkisson	Bendross-Mindingall	Brummer	Crow
Atwater	Bennett	Brutus	Cusack
Ausley	Bense	Bucher	Davis

Detert	Hart	Lynn	Romeo
Diaz de la Portilla	Henriquez	Machek	Ross
Diaz-Balart	Heyman	Mack	Rubio
Dockery	Hogan	Mahon	Russell
Farkas	Holloway	Mayfield	Ryan
Fasano	Jennings	Maygarden	Seiler
Fields	Johnson	McGriff	Simmons
Flanagan	Jordan	Meadows	Siplin
Frankel	Joyner	Mealor	Slosberg
Gannon	Justice	Melvin	Smith
Garcia	Kallinger	Miller	Sobel
Gardiner	Kendrick	Murman	Sorensen
Gibson	Kilmer	Needelman	Spratt
Goodlette	Kosmas	Negron	Stansel
Gottlieb	Kottkamp	Paul	Trovillion
Green	Kravitz	Peterman	Wallace
Greenstein	Kyle	Pickens	Waters
Haridopolos	Lacasa	Prieguez	Weissman
Harper	Lee	Rich	Wiles
Harrell	Lerner	Richardson	Wilson
Harrington	Littlefield	Ritter	Wishner

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

On motion by Rep. Brummer, the House moved to the consideration of CS/HB 501.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 501, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 501—An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners’ permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for

appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver’s Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

Senate Amendment 1 (with title amendment)—On page 42, between lines 3 and 4,

insert:

Section 44. Section 272.133, Florida Statutes, is created to read:

272.133 Vested rights of projects approved by Capitol Center Planning Commission.—Upon the abolishment of the Capitol Center Planning Commission or the restriction by law of its jurisdiction to state-owned lands, any private project that received design approval before the effective date of an act that provides for such abolishment or restriction shall be considered vested for the zoning, land use, and variances approved by the commission. A vested project is required to demonstrate only that it is in compliance with environmental and building-permitting requirements to be eligible for the issuance of a building permit.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon,

insert: providing for the vesting of certain rights pertaining to private projects that have been approved by the Capitol Center Planning Commission, in specified circumstances;

Senate Amendment 2 (with title amendment)—On page 42, between lines 3 and 4,

insert:

Section 44. Subsection (1) of section 121.22, Florida Statutes, is amended to read:

121.22 State Retirement Commission; creation; membership; compensation.—

(1) There is created within the Department of Management Services a State Retirement Commission composed of ~~three seven~~ members: One member who is retired under a state-supported retirement system administered by the department; ~~one member who is an two members from different occupational backgrounds who are active member of members~~ in a state-supported retirement system that is administered by the department; and ~~one member who is neither a retiree, beneficiary, or member~~ ~~four members who are not retirees, beneficiaries, or members~~ of a state-supported retirement system that is administered by the department. *Each member shall have a different occupational background from the other members.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon

insert: amending s. 121.22, F.S.; modifying the membership of the State Retirement Commission;

Senate Amendment 3 (with title amendment)—On page 41, line 12, through page 42, line 3, delete those lines

and insert:

Section 43. *The following councils, created pursuant to ss. 570.0705, Florida Statutes, and chapter 90-487, Laws of Florida, are abolished:*

- (1) *Florida City State Farmers Market Advisory Committee.*
- (2) *Fort Myers State Farmers Market Advisory Council.*
- (3) *Fort Pierce State Farmers Market Advisory Council.*
- (4) *Gadsden County State Farmers Market Advisory Council.*
- (5) *Immokalee State Farmers Market Advisory Council.*
- (6) *Nitrate Bill Best Management Practices Advisory Group.*
- (7) *Palatka State Farmers Market Advisory Council.*
- (8) *Plant City State Farmers Market Advisory Council.*
- (9) *Pompano Beach Farmers Market Authority.*
- (10) *Sanford State Farmers Market Advisory Council.*
- (11) *Seed Potato Advisory Council.*
- (12) *Starke State Farmers Market Advisory Council.*
- (13) *Suwannee Valley State Farmers Market Advisory Council.*
- (14) *Trenton State Farmers Market Advisory Council.*
- (15) *Tropical Soda Apple Task Force.*
- (16) *Wauchula State Farmers Market Advisory Council.*

Section 44. *Section 290.049, Florida Statutes, is repealed.*

Section 45. Subsection (7) is added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(7) *Establish an advisory committee of no more than 13 members to solicit participation in designing, administering, and evaluating the program and in linking the program with other housing and community development resources.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 23, through page 5, line 10, delete those lines

and insert: Vehicles; abolishing the Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; amending s. 290.048, F.S.; establishing an advisory committee; providing effective dates.

Senate Amendment 4 (with title amendment)—On page 42, between lines 3 and 4,

insert:

Section 44. *Notwithstanding the repeal contained in HB 1717, as enacted by the 2001 Regular Session of the Legislature, sections 570.40 and 570.41, Florida Statutes, are reenacted.*

Section 45. Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, subsection (2) of section 20.14, Florida Statutes, is reenacted to read:

20.14 Department of Agriculture and Consumer Services.—There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

- (a) Administration.
- (b) Agricultural Environmental Services.
- (c) Animal Industry.
- (d) Aquaculture.
- (e) Consumer Services.
- (f) Dairy Industry.
- (g) Food Safety.
- (h) Forestry.
- (i) Fruit and Vegetables.
- (j) Marketing and Development.
- (k) Plant Industry.
- (l) Standards.

Section 46. Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, section 570.29, Florida Statutes, is reenacted to read:

570.29 Departmental divisions.—The department shall include the following divisions:

- (1) Administration.
- (2) Agricultural Environmental Services.
- (3) Animal Industry.
- (4) Aquaculture.
- (5) Consumer Services.
- (6) Dairy Industry.
- (7) Food Safety.
- (8) Forestry.
- (9) Fruit and Vegetables.
- (10) Marketing and Development.
- (11) Plant Industry.
- (12) Standards.

Section 47. Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, section 570.18, Florida Statutes, is reenacted to read:

570.18 Organization of departmental work.—In the assignment of functions to the 12 divisions of the department created in s. 570.29, the department shall retain within the Division of Administration, in addition to executive functions, those powers and duties enumerated in s. 570.30. The department shall organize the work of the other 11 divisions in such a way as to secure maximum efficiency in the conduct of the department. The divisions created in s. 570.29 are solely to make possible the definite placing of responsibility. The department shall be conducted as a unit in which every employee, including each division director, is assigned a definite workload, and there shall exist between division directors a spirit of cooperative effort to accomplish the work of the department.

Section 48. Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, section 570.50, Florida Statutes, is reenacted to read:

570.50 Division of Food Safety; powers and duties.—The duties of the Division of Food Safety include, but are not limited to:

- (1) Enforcing those provisions of chapter 585, and the rules adopted under that chapter, relating to the inspection of meat and the antemortem and postmortem inspection of poultry.
- (2) Conducting those general inspection activities relating to food and food products being processed, held, or offered for sale in this state and enforcing those provisions of chapters 500, 501, 502, 503, 531, 583, 585, 586, and 601 relating to foods as authorized by the department.
- (3) Analyzing samples of foods offered for sale in this state as required under chapters 500, 501, 502, 503, 585, 586, and 601.
- (4) Investigating, evaluating, and developing new or improved methodology to enhance the analytical capability and efficiency of all divisional laboratories and performing other related analyses as deemed necessary.
- (5) Analyzing food and feed samples offered for sale in the state for chemical residues as required under the adulteration sections of chapters 500 and 580.

Section 49. Notwithstanding the provisions of HB 1717, as enacted by the 2001 Regular Session of the Legislature, subsection (1) of section 570.51, Florida Statutes, is reenacted to read:

570.51 Director; qualifications; duties.—

- (1) The director of the Division of Food Safety shall be appointed by the commissioner to serve at the commissioner's pleasure.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon,

insert: reenacting ss. 570.40, 570.41, F.S., relating to the Division of Dairy Industry, notwithstanding a repeal; reenacting ss. 20.14(2), 570.29, 570.18, 570.50, 570.51(1), F.S.; reestablishing the Division of Dairy Industry;

On motion by Rep. Brummer, the House concurred in Senate Amendment 4.

Reconsideration

On motion by Rep. Brummer, the House reconsidered the vote by which the House concurred in **Senate Amendment 4**.

On motion by Rep. Brummer, the House concurred in Senate Amendments 1, 2, 3, and 4. The question recurred on the passage of CS/HB 501. The vote was:

Session Vote Sequence: 566

Yeas—96

The Chair	Cantens	Hogan	Mealor
Allen	Carassas	Holloway	Melvin
Andrews	Clarke	Jennings	Miller
Arza	Crow	Johnson	Murman
Attkisson	Davis	Jordan	Needelman
Atwater	Detert	Joyner	Negron
Ausley	Diaz de la Portilla	Kallinger	Paul
Baker	Diaz-Balart	Kendrick	Pickens
Ball	Dockery	Kilmer	Prieguez
Barreiro	Farkas	Kosmas	Ross
Baxley	Fasano	Kottkamp	Rubio
Bean	Fields	Kravitz	Russell
Bendross-Mindingall	Flanagan	Kyle	Ryan
Bennett	Gannon	Lacasa	Seiler
Bense	Garcia	Lee	Simmons
Benson	Gardiner	Lerner	Siplin
Berfield	Gibson	Littlefield	Sorensen
Betancourt	Goodlette	Lynn	Spratt
Bilirakis	Green	Machek	Stansel
Bowen	Greenstein	Mack	Wallace
Brummer	Haridopolos	Mahon	Waters
Brutus	Harrington	Mayfield	Wiles
Bullard	Hart	Maygarden	Wilson
Byrd	Henriquez	Meadows	Wishner

Nays—18

Alexander	Harper	Rich	Sobel
Bucher	Heyman	Richardson	Trovillion
Cusack	Justice	Ritter	Weissman
Gelber	McGriff	Romeo	
Gottlieb	Peterman	Smith	

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1092, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Criminal Justice, Banking and Insurance and Senators Campbell, Crist and Garcia—

CS for CS for SB 1092—A bill to be entitled An act relating to insurance; providing legislative findings; amending s. 119.10, F.S.; providing a criminal penalty for use of certain report information for commercial solicitation; creating s. 456.0375, F.S.; defining the term "clinic"; imposing registration requirements for certain clinics;

providing for medical directors or clinical directors; providing duties and responsibilities of medical directors or clinical directors; authorizing the Department of Health to adopt rules for certain purposes; providing for enforcement; providing penalties; amending s. 626.989, F.S.; clarifying immunity from civil actions provisions; amending s. 627.732, F.S.; defining the terms “broker” and “medically necessary”; amending s. 627.736, F.S.; revising provisions relating to personal injury protection benefits; revising provisions relating to interest on overdue claims; revising provisions for charges and payments for certain treatments; removing provisions specifying the use of medical payments insurance; making certain charges by a broker noncompensable; providing for a demand letter; providing demand letter requirements; providing for civil actions against certain persons; amending s. 817.234, F.S.; prohibiting solicitation of specific persons involved in motor vehicle crashes; specifying certain charges as unlawful and unenforceable; amending s. 921.0022, F.S.; ranking certain criminal offenses specified in that section; amending s. 324.021, F.S.; correcting a cross-reference; providing an appropriation; providing effective dates.

—was read the first time by title. On motion by Rep. Waters, the rules were waived 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—108

The Chair	Carassas	Holloway	Negron
Alexander	Clarke	Jennings	Paul
Allen	Crow	Johnson	Peterman
Andrews	Davis	Jordan	Pickens
Arza	Detert	Joyner	Prieguez
Attkisson	Diaz de la Portilla	Justice	Rich
Atwater	Diaz-Balart	Kallinger	Richardson
Ausley	Dockery	Kendrick	Romeo
Baker	Farkas	Kilmer	Ross
Ball	Fasano	Kosmas	Rubio
Barreiro	Fields	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lacasa	Simmons
Bennett	Garcia	Littlefield	Siplin
Bense	Gardiner	Lynn	Slosberg
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Green	Mayfield	Stansel
Bowen	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harrell	Mealor	Waters
Bucher	Harrington	Melvin	Weissman
Bullard	Hart	Miller	Wiles
Byrd	Henriquez	Murman	Wilson
Cantens	Hogan	Needelman	Wishner

Nays—8

Cusack	Harper	Lerner	Ritter
Gottlieb	Heyman	Meadows	Smith

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1468, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senator Latvala—

CS for SB 1468—A bill to be entitled An act relating to land acquisition and management; amending s. 259.105, F.S.; revising goals

and performance measures for Florida Forever projects of the Department of Environmental Protection and water management districts; amending s. 253.034, F.S.; defining “conservation lands”; providing procedure for disposition of certain surplus conservation lands by the Board of Trustees of the Internal Improvement Trust Fund; revising procedure for evaluating and offering for sale of surplus lands; providing for disposition of proceeds from the sale of surplus nonconservation lands; amending ss. 253.111 and 253.115, F.S.; exempting Greenway lands from certain public notice and hearing requirements prior to sale, lease, exchange, or grant of easement; amending s. 253.82, F.S.; revising conditions under which certain lands titled to the board of trustees may be declared surplus lands; revising appraisal requirements; providing rulemaking authority; creating s. 253.86, F.S.; providing for management and use of certain uplands; providing rulemaking authority of the Office of Coastal and Aquatic Managed Areas; providing for fees; providing a penalty; amending s. 259.035, F.S., correcting a cross reference; amending s. 259.0345, F.S.; repealing authority for certain members of the Legislature to be appointed as ad hoc nonvoting members to the Florida Forever Advisory Council; deleting obsolete provisions; amending s. 298.22, F.S.; authorizing boards of supervisors of water control districts to construct and manage resource-based recreational facilities; amending s. 369.255, F.S.; authorizing certain municipalities to create a funding mechanism for greenspace management and exotic plant control; providing intent of the Legislature to repay any Preservation 2000 funds redirected for other purposes; repealing subsection (8) of s. 259.101, F.S.; relating to the disposal and use of certain state owned lands; providing an effective date.

—was read the first time by title. On motion by Rep. Harrington, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 568

Yeas—116

The Chair	Crow	Holloway	Needelman
Alexander	Cusack	Jennings	Negron
Allen	Davis	Johnson	Paul
Andrews	Detert	Jordan	Peterman
Arza	Diaz de la Portilla	Joyner	Pickens
Attkisson	Diaz-Balart	Justice	Prieguez
Atwater	Dockery	Kallinger	Rich
Ausley	Farkas	Kendrick	Richardson
Baker	Fasano	Kilmer	Ritter
Ball	Fields	Kosmas	Romeo
Barreiro	Flanagan	Kottkamp	Ross
Baxley	Frankel	Kravitz	Rubio
Bean	Gannon	Kyle	Russell
Bendross-Mindingall	Garcia	Lacasa	Ryan
Bennett	Gardiner	Lee	Seiler
Bense	Gelber	Lerner	Simmons
Benson	Gibson	Littlefield	Siplin
Berfield	Goodlette	Lynn	Slosberg
Betancourt	Gottlieb	Machek	Smith
Bilirakis	Green	Mack	Sobel
Bowen	Greenstein	Mahon	Sorensen
Brummer	Haridopolos	Mayfield	Spratt
Brutus	Harper	Maygarden	Stansel
Bucher	Harrell	McGriff	Trovillion
Bullard	Harrington	Meadows	Wallace
Byrd	Hart	Mealor	Waters
Cantens	Henriquez	Melvin	Weissman
Carassas	Heyman	Miller	Wilson
Clarke	Hogan	Murman	Wishner

Nays—None

Votes after roll call:

Yeas—Wiles

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 978, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Transportation and Senator Burt—

CS for SB 978—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the approval of seaport security plans by the Office of Drug Control and the Department of Law Enforcement; providing requirements for criminal history checks on applicants for employment or current employees of a seaport; providing an appeal procedure; providing for modification or variance from a particular standard; providing for inspections of seaports; providing requirements for compliance by seaports; providing for the Department of Law Enforcement to impose penalties if a seaport fails to meet certain project timelines; requiring certain reports; providing funding criteria; providing an effective date.

—was read the first time by title. On motion by Rep. Harrell, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 569

Yeas—106

The Chair	Crow	Hogan	Negron
Alexander	Cusack	Holloway	Paul
Allen	Davis	Jennings	Peterman
Attkisson	Detert	Johnson	Pickens
Atwater	Diaz de la Portilla	Jordan	Prieguez
Ausley	Diaz-Balart	Joyner	Richardson
Baker	Dockery	Justice	Ritter
Ball	Farkas	Kallinger	Romeo
Barreiro	Fasano	Kendrick	Rubio
Baxley	Fields	Kosmas	Russell
Bean	Flanagan	Kottkamp	Ryan
Bendross-Mindingall	Frankel	Kravitz	Seiler
Bennett	Gannon	Kyle	Simmons
Bense	Garcia	Lacasa	Siplin
Benson	Gardiner	Lee	Slosberg
Berfield	Gelber	Lerner	Smith
Betancourt	Gibson	Littlefield	Sobel
Bilirakis	Goodlette	Lynn	Sorensen
Bowen	Gottlieb	Machek	Spratt
Brummer	Green	Mack	Stansel
Brutus	Greenstein	Mahon	Trovillion
Bucher	Haridopolos	Maygarden	Wallace
Bullard	Harper	McGriff	Waters
Byrd	Harrell	Meadows	Weissman
Cantens	Hart	Mealor	Wishner
Carassas	Henriquez	Murman	
Clarke	Heyman	Needelman	

Nays—3

Andrews Arza Kilmer

Votes after roll call:

Yeas—Melvin, Rich
Nays to Yeas—Kilmer

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 589, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 589—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 3, line 25, through page 4, line 5, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 10-16, delete those lines

and insert: water-wastewater utilities; requiring the Department of

Senate Amendment 2 (with title amendment)—On page 4, between lines 16 and 17,

insert:

Section 8. *The sum of \$500,000 in nonrecurring revenue is appropriated from the General Revenue Fund to the Department of Environmental Protection to facilitate the development of a uniform fiscal impact analysis model to assist local governments to evaluate the cost of infrastructure to support development.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon

insert: providing an appropriation to the Department of Environmental Protection to develop a model to analyze infrastructure costs;

On motion by Rep. Fasano, the House concurred in Senate Amendments 1 and 2. The question recurred on the passage of CS/HB 589. The vote was:

Session Vote Sequence: 570

Yeas—103

The Chair	Carassas	Hart	Meadows
Alexander	Clarke	Henriquez	Mealor
Allen	Cusack	Heyman	Miller
Andrews	Davis	Hogan	Murman
Arza	Detert	Holloway	Needelman
Attkisson	Diaz de la Portilla	Jennings	Negron
Atwater	Diaz-Balart	Johnson	Paul
Ausley	Dockery	Joyner	Peterman
Baker	Farkas	Justice	Prieguez
Barreiro	Fasano	Kallinger	Rich
Baxley	Fields	Kendrick	Richardson
Bean	Flanagan	Kilmer	Ritter
Bendross-Mindingall	Frankel	Kottkamp	Romeo
Bennett	Garcia	Kravitz	Rubio
Bense	Gardiner	Kyle	Russell
Benson	Gelber	Lacasa	Ryan
Berfield	Gibson	Lee	Seiler
Betancourt	Goodlette	Lerner	Simmons
Bilirakis	Gottlieb	Littlefield	Siplin
Bowen	Green	Lynn	Slosberg
Brutus	Greenstein	Machek	Smith
Bucher	Haridopolos	Mack	Sobel
Bullard	Harper	Mahon	Spratt
Byrd	Harrell	McGriff	Stansel

Trovillion Waters Wiles Wishner
 Wallace Weissman Wilson

713.78 Liens for recovering, towing, or storing vehicles and documented vessels.—

Nays—None

(4)

Votes after roll call:

Yeas—Brummer, Cantens

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Tom Feeny, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 757, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 757—A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross reference; providing that the term “civil penalties and fines” does not include reference to a wrecker operator’s lien; amending s. 713.78, F.S., relating to liens; revising conditions for sale of certain vehicles and vessels; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator’s lien has been issued; providing procedures with respect to such liens; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant’s name appears on the list referred to in s. 316.1001(4), ~~or~~ s. 316.1967(6), *or s. 713.78(13)* a license plate or revalidation sticker may not be issued until that person’s name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. *As used in this subsection, the term “civil penalties and fines” does not include a wrecker operator’s lien as described in s. 713.78(13).* If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner’s birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 2. Present subsections (1) through (27) of section 713.01, Florida Statutes, are redesignated as subsections (2) through (28), respectively, and a new subsection (1) is added to that section to read:

713.01 Definitions.—As used in this part, the term:

(1) “Abandoned property” means all tangible personal property that has been disposed of on public property in a wrecked, inoperative, or partially dismantled condition.

Section 3. Paragraph (b) of subsection (4) and subsection (6) are amended, and subsection (13) is added to section 713.78, Florida Statutes, to read:

(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner and to all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold ~~after 35 days~~ free of all prior liens *after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.*

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less.* The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(13)(a) *Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator’s lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of an abandoned vehicle, vessel, or mobile home upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle, vessel, or mobile home on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle, vessel, or mobile home is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator’s lien shall be submitted on forms provided by the department, which must include:*

1. *The name, address, and telephone number of the wrecker operator.*
2. *The name of the registered owner of the vehicle, vessel, or mobile home and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).*

3. A general description of the vehicle, vessel, or mobile home, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; mobile home sticker number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle, vessel, or mobile home be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle, vessel, or mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle, vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle, vessel, or mobile home was sold in a private or casual sale before the vehicle, vessel, or mobile home was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle, vessel, or mobile home was sold to a licensed dealer as defined in s. 319.001 before the vehicle, vessel, or mobile home was recovered, towed, or stored.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle, vessel, or mobile home is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than \$500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle, vessel, or mobile home was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle, vessel, or mobile home was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set

forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle, vessel, or mobile home was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle, vessel, or mobile home attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator a fee of \$2, which shall be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund established under s. 860.158. A service charge of \$2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 4. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross-reference; providing that the term "civil penalties and fines" does not include reference to a wrecker operator's lien; amending s. 713.01, F.S.; defining the term "abandoned

property”; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator’s lien has been issued; providing procedures with respect to such liens; providing an effective date.

On motion by Rep. Barreiro, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 757. The vote was:

Session Vote Sequence: 571

Yeas—113

The Chair	Cusack	Jordan	Pickens
Alexander	Davis	Joyner	Prieguez
Allen	Detert	Justice	Rich
Andrews	Diaz de la Portilla	Kallinger	Richardson
Arza	Diaz-Balart	Kendrick	Ritter
Attkisson	Dockery	Kilmer	Romeo
Atwater	Farkas	Kosmas	Ross
Ausley	Fasano	Kottkamp	Rubio
Baker	Fields	Kravitz	Russell
Barreiro	Flanagan	Kyle	Ryan
Baxley	Frankel	Lacasa	Seiler
Bean	Gannon	Lerner	Simmons
Bendross-Mindingall	Garcia	Littlefield	Siplin
Bennett	Gardiner	Lynn	Slosberg
Bense	Gelber	Machek	Smith
Benson	Gibson	Mack	Sobel
Berfield	Goodlette	Mahon	Sorensen
Betancourt	Gottlieb	Mayfield	Spratt
Bilirakis	Green	Maygarden	Stansel
Bowen	Greenstein	McGriff	Trovillion
Brummer	Haridopolos	Meadows	Wallace
Brutus	Harper	Mealor	Waters
Bucher	Harrell	Melvin	Weissman
Bullard	Hart	Miller	Wiles
Byrd	Henriquez	Murman	Wilson
Cantens	Heyman	Needelman	Wishner
Carassas	Holloway	Negron	
Clarke	Jennings	Paul	
Crow	Johnson	Peterman	

Nays—2

Ball	Hogan
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So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB’s 336 & 190, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Comprehensive Planning, Local and Military Affairs and Senators Constantine, Clary and Crist—

CS for CS for SB’s 336 & 190—A bill to be entitled An act relating to the Florida Building Code; amending s. 235.061, F.S.; delaying the date by which relocatables used as classrooms must meet certain standards; amending s. 235.212, F.S.; specifying certain low-energy window standards for relocatable classrooms; amending s. 255.31, F.S.; exempting certain facilities from plans reviews and inspections by local governments; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; creating s. 399.001, F.S.; creating the “Elevator Safety Act”; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances; providing for permits for

construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency; providing for disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Technical Advisory Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits; amending s. 489.509, F.S.; transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 553.36, 553.415, F.S.; defining the term “factory-built school shelter”; providing for the department to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the date for inclusion of the Uniform Code for Public Education Facilities in the Florida Building Code; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505, 553.507, F.S.; conforming cross-references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified structures from the wind-borne-debris-impact standards of the Florida Building Code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; amending s. 553.84, F.S.; providing an exception to certain liability provisions relating to the Florida building Code; creating s. 553.8412, F.S.; providing for statewide outreach for training on the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products, methods, and systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research some issues and provide reports to the Legislature; providing an effective date for the Florida Building Code; amending s. 135 of ch. 2000-141, Laws of Florida, and ss. 62(2) and 68 of ch. 98-287, Laws of Florida, as amended; requiring that the Florida Building Commission appoint members to the commission’s Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; creating the Building Construction Permitting and Inspection Task Force; providing responsibilities; providing for appointment of members; providing for meetings and staffing by the Florida Building Commission; requiring a report to the Governor and the Legislature by a specified date; amending s. 627.0629, F.S.; delaying a deadline by which insurance companies are required to make certain rate filings; amending s. 663.0215, F.S.; delaying the date on which the State Fire Marshal is required to adopt a statewide firesafety code; providing appropriations; providing an effective date.

—was read the first time by title. On motion by Rep. Berfield, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 572

Yeas—90

The Chair	Attkisson	Bean	Bilirakis
Alexander	Atwater	Bennett	Brummer
Allen	Ausley	Bense	Brutus
Andrews	Barreiro	Benson	Bullard
Arza	Baxley	Berfield	Byrd

Cantens	Green	Littlefield	Ross
Clarke	Greenstein	Lynn	Rubio
Crow	Harrell	Mahon	Russell
Cusack	Harrington	Mayfield	Ryan
Davis	Henriquez	Maygarden	Seiler
Detert	Hogan	Meadows	Simmons
Diaz de la Portilla	Holloway	Mealor	Siplin
Diaz-Balart	Johnson	Melvin	Sobel
Dockery	Jordan	Miller	Sorensen
Farkas	Joyner	Murman	Spratt
Fasano	Kendrick	Needelman	Stansel
Fields	Kilmer	Negron	Trovillion
Flanagan	Kosmas	Paul	Wallace
Gannon	Kottkamp	Peterman	Wiles
Garcia	Kravitz	Pickens	Wilson
Gelber	Lacasa	Prieguez	Wishner
Gibson	Lee	Rich	
Goodlette	Lerner	Richardson	

Nays—21

Baker	Gardiner	Kyle	Smith
Ball	Haridopolos	Machek	Waters
Betancourt	Hart	Mack	Weissman
Bucher	Heyman	McGriff	
Carassas	Justice	Ritter	
Frankel	Kallinger	Romeo	

Votes after roll call:

Yeas—Bendross-Mindingall, Gottlieb, Harper

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Waters, the House moved to the consideration of CS/HB 1803 on Messages from the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 1803, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 1803—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134,

F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for

the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

Senate Amendment 1 (with title amendment)—On page 45, line 21, through page 46, line 6, delete Section 20 and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 20-23, delete those lines

and insert: the Deputy Chief Judge; amending s.

Senate Amendment 2—On page 63, line 28, delete "440.192(2)"

Senate Amendment 3—On page 39, lines 2, 7, 10, and 14, delete "Deputy Chief Judge"

and insert: *Director of the Division of Administrative Hearings Chief Judge*

Senate Amendment 4—On page 36, lines 28-31, delete those lines

and insert:

(d) *With respect to any lump-sum settlement under this subsection, a judge of compensation must consider at the time of the settlement, whether the settlement allocation provides for the appropriate recovery of child support arrearages.*

Senate Amendment 5—On page 47, line 6, after the word "petition"

insert: *denying benefits*

On motion by Rep. Waters, the House concurred in Senate Amendments 1, 2, 3, 4, and 5. The question recurred on the passage of CS/HB 1803. The vote was:

Session Vote Sequence: 573

Yeas—110

The Chair	Crow	Johnson	Paul
Alexander	Cusack	Jordan	Peterman
Allen	Davis	Joyner	Pickens
Andrews	Detert	Justice	Prieguez
Arza	Diaz de la Portilla	Kallinger	Rich
Attkisson	Diaz-Balart	Kendrick	Richardson
Atwater	Dockery	Kilmer	Ritter
Ausley	Farkas	Kosmas	Romeo
Baker	Fasano	Kravitz	Ross
Ball	Fields	Kyle	Rubio
Barreiro	Frankel	Lacasa	Russell
Baxley	Gannon	Lee	Ryan
Bean	Garcia	Lerner	Seiler
Bendross-Mindingall	Gardiner	Littlefield	Slosberg
Bennett	Gelber	Lynn	Smith
Bense	Gibson	Machek	Sobel
Benson	Goodlette	Mack	Sorensen
Berfield	Gottlieb	Mahon	Spratt
Betancourt	Green	Mayfield	Stansel
Bilirakis	Greenstein	Maygarden	Trovillion
Bowen	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	
Clarke	Hogan	Negron	

Nays—5

Bullard	Holloway	Jennings	Siplin
Flanagan			

Votes after roll call:

Yeas—Kottkamp

Nays to Yeas—Flanagan

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Recognition of Donn Dughi

Rep. Melvin presented Donn Dughi, who has announced his retirement as House photographer. The Members gave a standing ovation in appreciation and admiration of Donn Dughi's service and accomplishments.

CS for CS for SB 912—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; creating s. 944.7031, F.S.; providing for inmates released from private correctional facilities to be eligible for the same transition-assistance services that are provided to inmates in state correctional facilities; requiring that such inmates be given access to placement consideration in substance-abuse-transition housing programs, including programs that have a faith-based component; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 947.141, F.S.; providing revocation process for offenders on addiction-recovery supervision; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

Reconsideration

On motion by Rep. Barreiro, the House reconsidered the vote by which Amendments 1, 2, 3, and 4 to CS for CS for SB 912 were adopted earlier today. The question recurred on the adoption of the amendments which were withdrawn.

On motion by Rep. Barreiro, the rules were waived and CS for CS for SB 912 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 574

Yeas—111

The Chair	Clarke	Holloway	Needelman
Alexander	Crow	Jennings	Negron
Allen	Cusack	Johnson	Paul
Andrews	Davis	Jordan	Peterman
Arza	Detert	Joyner	Pickens
Attkisson	Diaz de la Portilla	Justice	Prieguez
Atwater	Diaz-Balart	Kallinger	Rich
Ausley	Dockery	Kendrick	Richardson
Baker	Farkas	Kilmer	Ritter
Ball	Fasano	Kosmas	Romeo
Barreiro	Fields	Kottkamp	Ross
Baxley	Flanagan	Kravitz	Rubio
Bean	Gannon	Kyle	Russell
Bendross-Mindingall	Garcia	Lacasa	Ryan
Bennett	Gardiner	Lerner	Seiler
Bense	Gelber	Littlefield	Simmons
Benson	Gibson	Lynn	Siplin
Berfield	Goodlette	Machek	Slosberg
Betancourt	Green	Mack	Sorensen
Bilirakis	Greenstein	Mahon	Spratt
Bowen	Haridopolos	Mayfield	Stansel
Brummer	Harper	Maygarden	Trovillion
Brutus	Harrell	McGriff	Wallace
Bucher	Harrington	Meadows	Waters
Bullard	Hart	Mealor	Wiles
Byrd	Henriquez	Melvin	Wilson
Cantens	Heyman	Miller	Wishner
Carassas	Hogan	Murman	

Nays—3

Frankel	Gottlieb	Weissman
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Votes after roll call:

Nays to Yeas—Frankel

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Byrd, the House moved to the consideration of CS for CS for CS for SB 446.

Bills and Joint Resolutions on Third Reading

CS for CS for CS for SB 446—A bill to be entitled An act relating to homelessness; amending s. 228.041, F.S.; redefining the term “homeless child”; amending ss. 232.03, 232.0315, 232.032, F.S.; revising the deadline for submission of documents for school registration; amending s. 420.5087, F.S.; relating to the State Apartment Incentive Loan Program; revising the requirements for qualifying to participate in the program; adding the homeless to the list of eligible tenant groups; amending s. 420.5092, F.S.; increasing the amount of revenue bonds the Florida Housing Finance Corporation may issue for the corporation’s guarantee fund; amending s. 420.511, F.S.; revising reporting requirements of the Florida Housing Finance Corporation; amending s. 420.609, F.S.; relating to the Affordable Housing Study Commission; revising the membership of the commission; requiring the commission to analyze how to address the acute need for housing for the homeless; amending s. 420.621, F.S.; redefining the term “homeless”; creating s. 420.622, F.S.; creating the State Office on Homelessness within the Department of Children and Family Services; authorizing the Governor to appoint an executive director for the State Office on Homelessness; creating the Council on Homelessness; providing for council membership; providing for council members to be reimbursed for travel expenses; providing for grants for homeless assistance continuums of care; providing grants for homeless housing assistance; prescribing duties and responsibilities of the State Office of Homelessness; requiring the Department of Children and Family Services to adopt rules with input from the Council on Homelessness; requiring an annual report; amending s. 420.623, F.S.; revising the list of organizations that may participate in local homeless coalitions; revising the functions of

local homeless coalitions; creating s. 420.624, F.S.; establishing guidelines for local homeless continuum of care; creating s. 420.626, F.S.; establishing guidelines for discharging persons at risk for homelessness from facilities serving persons with mental illness or substance abuse; amending s. 420.9075, F.S.; expanding the list of partners that counties and cities are encouraged to involve in developing housing assistance plans; amending s. 445.009, F.S.; revising regional workforce boards’ one-stop delivery system; requiring the Office of Program, Policy Analysis, and Government Accountability to report on homelessness; dedicating December 21 as the Homeless Persons’ Memorial Day; providing an appropriation for Challenge Grants; providing an appropriation for positions in local homeless coalitions; providing appropriations for the Department of Children and Family Services; providing an effective date.

—was read the third time by title.

Reconsideration

On motion by Rep. Crow, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 1** was adopted (shown in the *Journal* on page 1004, April 27). The question recurred on the adoption of the amendment, which was withdrawn.

The question recurred on the passage of CS for CS for CS for SB 446. The vote was:

Session Vote Sequence: 575

Yeas—117

The Chair	Cusack	Johnson	Peterman
Alexander	Davis	Jordan	Pickens
Allen	Detert	Joyner	Prieguez
Andrews	Diaz de la Portilla	Justice	Rich
Arza	Diaz-Balart	Kallinger	Richardson
Attkisson	Dockery	Kendrick	Ritter
Atwater	Farkas	Kilmer	Romeo
Ausley	Fasano	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Ball	Flanagan	Kravitz	Russell
Barreiro	Frankel	Kyle	Ryan
Baxley	Gannon	Lacasa	Seiler
Bean	Garcia	Lee	Simmons
Bendross-Mindingall	Gardiner	Lerner	Siplin
Bennett	Gelber	Littlefield	Slosberg
Bense	Gibson	Lynn	Smith
Benson	Goodlette	Machek	Sobel
Berfield	Gottlieb	Mack	Sorensen
Betancourt	Green	Mahon	Spratt
Bilirakis	Greenstein	Mayfield	Stansel
Bowen	Haridopolos	Maygarden	Trovillion
Brummer	Harper	McGriff	Wallace
Brutus	Harrell	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	
Clarke	Holloway	Negron	
Crow	Jennings	Paul	

Nays—None

So the bill passed and was immediately certified to the Senate.

CS for SB 1018—A bill to be entitled An act relating to prevention and amelioration of learning problems and learning disabilities in young children; authorizing a 3-year demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in three counties; authorizing designated agencies to share confidential information with Learning Gateway

programs; amending s. 228.093, F.S.; providing access to student records by Learning Gateway programs and the Learning Gateway steering committee; providing for funding; providing an effective date.

—was read the third time by title.

Reconsideration

On motion by Rep. Harrell, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 1** was adopted (shown in the *Journal* on page 1008, April 27). The question recurred on the adoption of the amendment, which was withdrawn.

The question recurred on the passage of CS for SB 1018. The vote was:

Session Vote Sequence: 576

Yeas—116

The Chair	Crow	Jennings	Negron
Alexander	Cusack	Johnson	Paul
Allen	Davis	Jordan	Peterman
Andrews	Detert	Joyner	Pickens
Arza	Diaz de la Portilla	Justice	Prieguez
Attkisson	Diaz-Balart	Kallinger	Rich
Atwater	Dockery	Kendrick	Richardson
Ausley	Farkas	Kilmer	Ritter
Baker	Fasano	Kosmas	Romeo
Ball	Fields	Kottkamp	Ross
Barreiro	Frankel	Kravitz	Rubio
Baxley	Gannon	Kyle	Russell
Bean	Garcia	Lacasa	Ryan
Bendross-Mindingall	Gardiner	Lee	Seiler
Bennett	Gelber	Lerner	Simmons
Bense	Gibson	Littlefield	Siplin
Benson	Goodlette	Lynn	Slosberg
Berfield	Gottlieb	Machek	Smith
Betancourt	Green	Mack	Sobel
Bilirakis	Greenstein	Mahon	Sorensen
Bowen	Haridopolos	Mayfield	Spratt
Brummer	Harper	Maygarden	Stansel
Brutus	Harrell	McGriff	Trovillion
Bucher	Harrington	Meadows	Wallace
Bullard	Hart	Mealor	Waters
Byrd	Henriquez	Melvin	Weissman
Cantens	Heyman	Miller	Wiles
Carassas	Hogan	Murman	Wilson
Clarke	Holloway	Needelman	Wishner

Nays—1

Flanagan

Votes after roll call:

Nays to Yeas—Flanagan

So the bill passed and was immediately certified to the Senate.

Messages from the Senate

The Honorable Tom Feeney, 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 SB 1162 and requests the concurrence of the House.

Faye W. Blanton, Secretary

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the

redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

(House Amendment 1 attached to original bill and shown in the *Journal* on pages 1838-1855 and page 1911, May 3.)

Senate Amendment 1 to House Amendment 1 (with title amendment)—On page 1, line 18, through page 77, line 9, delete those lines

and insert:

Section 1. Section 229.001, Florida Statutes, is amended to read:

229.001 Short title.—This act may be cited as the “Florida Education Governance Reorganization *Implementation Act of 2000.*”

Section 2. Section 229.002, Florida Statutes, is amended to read:

229.002 Declaration of policy and guiding principles.—

(1) It is the policy of the Legislature:

(a) To achieve within existing resources true systemic change in education governance by establishing a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida’s citizens.

(b) To promote enhanced academic success and funding efficiency by centralizing the governance of educational delivery systems and aligning responsibility with accountability.

(c) To provide consistent education policy vertically and horizontally across all educational delivery systems, focusing on *students the needs of those receiving education, not those providing education.*

(d) To provide substantially improved vertical and horizontal articulation across all educational delivery systems *while ensuring that nonpublic education institutions and home education programs maintain their independence, autonomy, and nongovernmental status.*

(e) To provide for devolution of authority to the schools, community colleges, universities, and other education institutions that are the actual deliverers of educational services in order to provide student-centered education services within the clear parameters of the overarching education policy established by the Legislature.

(f) *To ensure that independent education institutions and home education programs maintain their independence, autonomy, and nongovernmental status.*

(2) The guiding principles for Florida’s new education governance are:

(a) A coordinated, seamless system for kindergarten through graduate school education.

(b) A system that is student-centered in every facet.

(c) A system that maximizes education access and *provides the opportunity for a high-quality education academic success* for all Floridians.

(d) A system that safeguards equity *and supports academic excellence.*

(e) A system that *provides for local operational flexibility while promoting accountability for student achievement and improvement refuses to compromise academic excellence.*

Section 3. Section 229.003, Florida Statutes, is amended to read:

229.003 Florida education governance reorganization.—

(1) ~~Effective January 7, 2003,~~ The Florida Board of Education, created pursuant to s. 229.004, shall be responsible for overseeing

kindergarten through graduate school education, in accordance with the implementation process in s. 229.0072 and the policies and guiding principles in s. 229.002 and the mission and goals of s. 229.007.

~~(2) Effective January 7, 2003, the Florida Board of Education shall appoint the Commissioner of Education.~~

~~(2)(3) Effective January 7, 2003, There are is established the following education governance officers in addition to the Commissioner of Education:~~

~~(a) A Chancellor of Public Schools K-12 Education appointed by the Commissioner of Education.~~

~~(b) A Chancellor of Colleges and State Universities, appointed by the Commissioner of Education.~~

~~(c) A Chancellor of Community Colleges and Career Preparation, appointed by the Commissioner of Education.~~

~~(d) An Executive Director of Independent Nonpublic and Nontraditional Education, appointed by the Commissioner of Education.~~

Each chancellor and the executive director shall be appointed subject to confirmation by the Florida Board of Education and shall serve at the pleasure and under the authority of the Secretary of the Florida Board of Education Commissioner of Education.

~~(3)(4) Effective July 1, 2000, The Governor shall appoint a seven-member board of trustees for the Florida Virtual On-Line High School, which shall be a body corporate with all the powers of a body corporate.~~

~~(4)(5) Effective January 7, 2003, The Governor shall appoint for each university in the State University System; a 12-member nine-member board of trustees, which shall be a body corporate with all the powers of a body corporate. In addition to the 12 members, a student body president shall serve as a voting member of the board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation. Each appointee is subject to confirmation by the Senate in the regular legislative session immediately following his or her appointment. 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.~~

~~(5) Effective July 1, 2001:~~

~~(a) The Board of Regents is abolished.~~

~~(b) All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Board of Regents are transferred by a type two transfer, pursuant to s. 20.06(2), to the Florida Board of Education.~~

~~(c) The State Board of Community Colleges is abolished.~~

~~(d) All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the State Board of Community Colleges are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the Florida Board of Education.~~

~~(e) The Postsecondary Education Planning Commission is abolished.~~

~~(f) The Council for Education Policy Research and Improvement is created as an independent office under the Office of Legislative Services.~~

~~(g) All personnel, unexpended balances of appropriations, and allocations of the Postsecondary Education Planning Commission are transferred to the Council for Education Policy Research and Improvement.~~

~~(h) The Articulation Coordinating Committee and the Education Standards Commission are transferred by a type two transfer, pursuant~~

to s. 20.06(2), from the Department of Education to the Florida Board of Education.

~~(i) Notwithstanding the provisions of s. 20.15, the Commissioner of Education and the Secretary of the Florida Board of Education shall work together to commence the reorganization of the Department of Education in accordance with s. 229.0073, which shall include an Office of the Commissioner of Education comprised of the general areas of operation that are common to all delivery sectors and, in addition, shall include:~~

~~1. The creation of an Office of Technology and Information Services, an Office of Workforce and Economic Development, an Office of Educational Facilities and SMART Schools Clearinghouse, and an Office of Student Financial Assistance.~~

~~2. The creation of a Division of Colleges and Universities.~~

~~3. The creation of a Division of Community Colleges.~~

~~4. The creation of a Division of Public Schools.~~

~~5. The creation of a Division of Independent Education.~~

~~6. The merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, into a single Commission for Independent Education administratively housed within the Division of Independent Education.~~

~~(6) Effective January 7, 2003, the powers and duties of the following entities are relocated to the Florida Board of Education, which shall retain all related funding and budget authority for purposes of a single, seamless kindergarten through graduate school education system and single or coordinated budget and may retain or redistribute the powers and duties of each entity in accordance with the policies and guiding principles of s. 229.002, and the entities shall cease to exist:~~

~~(a) The Board of Regents.~~

~~(b) The State Board of Community Colleges.~~

~~(c) The State Board of Independent Colleges and Universities.~~

~~(d) The State Board of Nonpublic Career Education.~~

~~(e) The Division of Workforce Development of the Department of Education.~~

~~(f) The Postsecondary Education Planning Commission.~~

~~(g) The Articulation Coordination Committee.~~

~~(h) The Division of Human Resource Development of the Department of Education.~~

~~(i) The Division of Support Services of the Department of Education.~~

~~(j) The Division of Administration of the Department of Education.~~

~~(k) The Division of Financial Services of the Department of Education.~~

~~(l) The Division of Technology of the Department of Education.~~

~~(m) The Office of Student Financial Assistance of the Department of Education.~~

~~(n) The Division of Universities of the Department of Education.~~

~~(o) The Division of Community Colleges of the Department of Education.~~

Section 4. Section 229.0031, Florida Statutes, is created to read:

229.0031 Council for Education Policy Research and Improvement.—Effective July 1, 2001, the Council for Education Policy Research and Improvement is created as an independent office under the

Office of Legislative Services, pursuant to s. 11.147. The council shall conduct and review education research, provide independent analysis on education progress, and provide independent evaluation of education issues of statewide concern. The Office of Legislative Services shall provide administrative functions of the council, pursuant to joint policies of the Legislature.

(1) The council shall serve as a citizen board for independent policy research and analysis. The council shall be composed of five members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. Each member shall be appointed for a term of 6 years. However, for purposes of continuity, the Governor shall appoint two members, the Speaker of the House of Representatives shall appoint one member, and the President of the Senate shall appoint one member for a first term of 4 years. Members appointed for 4 years may be reappointed to one additional term. Members shall not include elected officials or employees of public or independent education entities. Members who miss two consecutive meetings may be replaced by the appointing officer.

(2) The council shall meet as often as it considers necessary to carry out its duties and responsibilities. Members shall be paid travel and per diem expenses as provided in s. 112.061 while performing their duties under this section.

(3) The council shall appoint an executive director, who shall serve at the pleasure of the council and shall perform the duties assigned to him or her by the council. The executive director is the chief administrative officer of the council and shall appoint all employees and staff members of the council, who shall serve under the executive director's direction and control.

(4) The council shall:

(a) Provide state policymakers, educators, and the public with objective and timely information that supports the seamless K-20 education system and the K-20 education accountability process designed to provide all students an opportunity for a high-quality education, in accordance with the policies and guiding principles of s. 229.002 and the performance accountability system in s. 229.007.

(b) Explore national and state emerging educational issues and examine how these issues should be addressed by education institutions in Florida.

(c) Prepare and submit to the Florida Board of Education a long-range master plan for education. The plan must include consideration of the promotion of quality, fundamental educational goals, programmatic access, needs for remedial education, regional and state economic development, international education programs, demographic patterns, student demand for programs, needs of particular subgroups of the population, implementation of innovative educational techniques and technology, and requirements of the labor market. The plan must evaluate the capacity of existing programs in public and independent institutions to respond to identified needs, and the council shall recommend efficient alternatives to address unmet needs. The council shall update the master plan at least every 5 years.

(d) Prepare and submit for approval by the Florida Board of Education a long-range performance plan for K-20 education in Florida, and annually review and recommend improvement in the implementation of the plan.

(e) Annually report on the progress of public schools and postsecondary education institutions toward meeting educational goals and standards as defined by s. 229.007.

(f) Recommend to the Legislature and the Florida Board of Education legislation and rules for the educational accountability system that support the policies and guiding principles of s. 229.002.

(g) Recommend to the Florida Board of Education revisions and new initiatives to further improve the K-20 education accountability system.

(h) Provide public education institutions and the public with information on the K-20 education accountability system, recommend

refinements and improvements, and evaluate issues pertaining to student learning gains.

(i) On its own initiative or in response to the Governor, the Legislature, the Florida Board of Education, or the Commissioner of Education, issue reports and recommendations on matters relating to any education sector.

(j) By January 1, 2003, and on a 3-year cycle thereafter, review and make recommendations to the Legislature regarding the activities of research centers and institutes supported with state funds to assess the return on the state's investment in research conducted by public postsecondary education institutions, in coordination with the Leadership Board for Applied Research and Public Service, created pursuant to s. 240.706.

(k) Apply for and receive grants for the study of K-20 education system improvement consistent with its responsibilities.

(l) Assist the Florida Board of Education in the conduct of its educational responsibilities in such capacities as the board considers appropriate.

Section 5. Section 229.004, Florida Statutes, is amended to read:

229.004 Florida Board of Education.—

(1)(a) In accordance with the implementation process in s. 229.0072 ~~Effective January 7, 2003~~, the Florida Board of Education is established as a body corporate. The board shall be a ~~part-time~~ citizen board consisting of seven members *who are residents of the state* appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate, *provided, however, that Senate confirmation is not required for the members of the Florida Board of Education to perform the duties as prescribed in this education governance reorganization implementation act. Members of the board shall serve without compensation, but shall be entitled to reimbursement of travel and per diem expenses in accordance with s. 112.061. Members may be reappointed by the Governor for additional terms not to exceed 8 years of consecutive service.*

(b) *The Governor shall appoint the first chair of the Florida Board of Education who shall serve for 2 years. After expiration of the 2-year term and at the first regular meeting of the board after July 1, the Florida Board of Education shall select a chair and a vice chair from its appointed members. The chair shall serve a 2-year term and may be reelected for one additional consecutive term. ~~The Florida Board of Education shall have a chairperson who shall be appointed by the Governor.~~*

(2) The primary duties of the board shall be to establish education goals and objectives consistent with the policies and guiding principles of s. 229.002 *and the mission and goals of s. 229.007* and, together with the Commissioner of Education, to oversee the implementation of *and enforce compliance with the education policies established by the Legislature. The board, through its secretary, and the commissioner, shall establish, operate, and maintain optimal efficiency of an Office of the Commissioner of Education pursuant to s. 229.0061(2)(c) in accordance with the guidelines of ss. 229.0061 and 229.0073* ~~Board of Education.~~

(3) In performing its duties, the board, together with the Commissioner of Education, shall:

(a) Ensure accountability and responsiveness to Florida's citizens, including the establishment of a Citizen Information Center that utilizes quick response and customer-friendly methodologies.

(b) Establish and aggressively enforce efficient and effective performance management objectives.

(c) Maximize the effectiveness of local, state, and federal education linkages and funds.

(d) Issue guidelines for the development of legislative budget requests for operations and fixed capital outlay for the coordinated K-20 system.

(e)(d) Recommend ~~one budget or~~ a coordinated budget and long-range program plans based on consistent policies for a seamless kindergarten through graduate school education.

(f)(e) Adopt cohesive rules, within statutory authority, for education systemwide issues, including rules governing systemwide access to educational opportunities, and ensure that rules adopted for the various education delivery systems are compatible.

(g)(f) Ensure articulation and coordination within and across the entire education delivery system.

(h)(g) Provide ongoing public information regarding performance results for the entire kindergarten through graduate school education system and each of its components.

(4) The board, through its secretary, with the Commissioner of Education, shall be responsible for:

(a) The work of with the Chancellor of Public Schools K-12 Education to establish, and maintain optimal efficiency of, a Division an Office of Public Schools, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007 K-12 Education.

(b) The work of with the Chancellor of Colleges and State Universities to establish, and maintain optimal efficiency of, a Division an Office of Colleges and State Universities, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007.

(c) The work of with the Chancellor of Community Colleges and Career Preparation to establish, and maintain optimal efficiency of, a Division an Office of Community Colleges, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007 and Career Preparation.

(d) The work of with the Executive Director of Independent Nonpublic and Nontraditional Education to establish, and maintain optimal efficiency of, a Division an Office of Independent Nonpublic and Nontraditional Education, within the guidelines of ss. 229.0061 and 229.0073 Services.

Section 6. Section 229.005, Florida Statutes, is amended to read:

229.005 Florida education governance officers.—

(1) COMMISSIONER OF EDUCATION.—The Commissioner of Education shall work with the Florida Board of Education and its secretary to oversee the other education governance officers and focus be appointed by the Board of Education from candidates of national caliber and respected and proven organizational leadership with established experience in administering broad-based policy. The commissioner shall be a person who is eminently capable of focusing the entire kindergarten through graduate school education system on accomplishing to accomplish the policies and guiding principles of s. 229.002 and achieving the mission and goals of s. 229.007. The commissioner shall serve as chief executive officer and, in cooperation with the Secretary of the Florida Board of Education, shall have the ability to successfully provide education policy and planning direction, program development, performance management, and funding allocation recommendations across the spectrum of kindergarten through graduate school education, and the ability to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that “adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.”

(2) CHANCELLOR OF PUBLIC SCHOOLS K-12 EDUCATION.—The Chancellor of Public Schools K-12 Education shall be appointed by the Florida Board of Education Commissioner of Education based on his or her ability to work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding

principles of s. 229.002, to achieve the mission and goals of s. 229.007, to enhance the quality of public K-12 education in Florida, and to maximize the equity of public K-12 education in Florida by moving the focus to the school site and the individual student, and to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that “adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education. . . .”

(3) CHANCELLOR OF COLLEGES AND STATE UNIVERSITIES.—The Chancellor of Colleges and State Universities shall be appointed by the Florida Board of Education Commissioner of Education based on his or her ability to work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to achieve the mission and goals of s. 229.007, to enhance the national reputation and quality of education and educational research in Florida’s colleges and state universities, and to work directly with each of the college and state university presidents and boards of trustees in focusing on the education and educational research needs of the individual college or university and its students.

(4) CHANCELLOR OF COMMUNITY COLLEGES AND CAREER PREPARATION.—The Chancellor of Community Colleges and Career Preparation shall be appointed by the Florida Board of Education Commissioner of Education based on his or her ability to work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to achieve the mission and goals of s. 229.007, to enhance the quality of education in Florida’s community colleges, and to work directly with each of the community college presidents and boards of trustees in focusing on the education needs of the communities and students they serve.

(5) EXECUTIVE DIRECTOR OF INDEPENDENT NONPUBLIC AND NONTRADITIONAL EDUCATION.—The Executive Director of Independent Nonpublic and Nontraditional Education shall be appointed by the Florida Board of Education Commissioner of Education based on his or her ability to work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to protect the independence, autonomy, and nongovernmental status of independent education in Florida, to enhance the quality and expand the offerings and innovations of independent nonpublic and nontraditional education in Florida, to establish partnerships with independent nonpublic education providers at all levels to achieve these goals, and to work directly with the Board of Trustees of the Florida Virtual On-Line High School and with Florida’s private school associations, home education associations, independent nonpublic career education institutions, and independent colleges and universities to maximize educational choice and enhance the options, educational alternatives, and student-focused delivery for their students.

Section 7. Subsections (1), (4), (5), (6), and (7) of section 229.006, Florida Statutes, are amended to read:

229.006 Education Governance Reorganization Transition Task Force.—

(1) In order to accomplish a smooth transition on January 7, 2003, from the elected State Board of Education to 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 task force shall be charged with the duty to identify issues, conduct research, develop the necessary procedural and substantive framework, and make recommendations to the Legislature for an orderly 3-year phase-in for a seamless education continuum and a single or coordinated kindergarten through graduate school budget in accordance with the policies and guiding principles of s. 229.002, so that the Florida Board of Education may immediately begin its work on January 7, 2003, with maximum effectiveness.

(4) *Having completed its recommendations to the Legislature by March 1, 2001, the transition task force shall redirect its focus to provide guidance and monitoring of the implementation process pursuant to s. 229.0072 and to regularly report to the Governor, the Legislature, the Secretary of the Florida Board of Education, and the public on the progress of the reorganization implementation process. If any implementation activity is determined by a majority vote of the task force to be inconsistent with the intent of this act, the chair of the task force shall report such activity directly to the State Board of Education, and the State Board of Education shall act immediately to resolve the dispute.* recommend to the Legislature:

(a) How best to achieve education system integration by:

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.

(6) By March 1, 2003, the transition task force shall recommend to the Legislature:

(a) Statutory changes necessary to accomplish the policies and guiding principles of s. 229.002, including, but not limited to, statutory changes necessitated by the repeal and review provisions of subsection 3(8) of this act.

(b) Rulemaking authority for the new Florida Board of Education and a plan and timetable for transition or coordination of existing education sector agency rules and rulemaking authority recommendations, if any, for education agencies.

(c) Waiver authority, if any, for the Commissioner of Education or the Florida Board of Education.

(5)(7) By March May 1, 2003, the transition task force shall have completed its duties and shall make its final report to the Governor, the Florida Board of Education, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of each chamber. The final report shall include, but is not limited to:

(a) A summary of the work and recommendations of the task force and the status of full implementation of the K-20 education system.

(b) The status of 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.

(c) Identification of any remaining or potential duplication in the administration of state education laws and rules, with specific recommendations to eliminate such duplication and promote more efficient administration.

Section 8. Section 229.0061, Florida Statutes, is created to read:

229.0061 *Florida's K-20 education system; guidelines for implementation; guidelines for structure, functions, and organization.—*

(1) *GUIDELINES FOR IMPLEMENTATION.—*

(a) *Florida's seamless K-20 education system shall be a decentralized system in which as many commissions, boards, councils, and other excess layers of bureaucracy as possible are eliminated.*

(b) *Florida's K-20 education system shall rely on a single entity, the Florida Board of Education, as its single strategic voice. If the board desires assistance on matters of policy research or other issues, the board shall be authorized to appoint on an ad hoc basis a committee or committees to assist it on any and all issues within the K-20 education system.*

(c) *Members of the Florida Board of Education shall focus on high-level policy decisions.*

(d) *It is essential to the success of Florida's seamless K-20 education system to have a fully operational systemwide technology plan based on a common set of data definitions.*

(2) *GUIDELINES FOR STRUCTURE, FUNCTIONS, AND ORGANIZATION.—*

(a) *Roles of the Legislature, the Florida Board of Education, the education governance officers, and the institutional boards of trustees*

and school boards.—The Legislature shall establish education policy, enact education laws, and appropriate and allocate education resources. The Florida Board of Education shall enforce all laws, rules, and guidelines and shall timely provide direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results. In terms of major areas of responsibility, the Legislature, the Florida Board of Education, the education governance officers, and the institutional boards of trustees and school boards shall each perform essential constituent roles.

(b) Florida Board of Education.—The Florida Board of Education shall serve as the body corporate for Florida's seamless K-20 education system; implement the coordinated education vision; and, together with the Secretary of the Florida Board of Education, the commissioner, the chancellors, and the executive director, oversee the success of that vision. The Florida Board of Education shall:

1. Enforce systemwide education policies and goals.
2. Recommend annually the coordinated education budget and authorize the allocation of resources in accordance with law and rule. Any program recommended by the Florida Board of Education which requires state funding for more than 1 year must be presented in a multiyear budget plan.
3. Adopt long-term and short-term education plans, including a coordinated 5-year plan for postsecondary enrollment which the board shall submit annually to the Legislature and shall review periodically for adjustment.
4. Adopt university plans designed to achieve continued student diversity in undergraduate, graduate, and professional programs.
5. Enforce education accountability standards and measures of all components of the K-20 education system.
6. Accurately and continuously assess data and monitor and report performance.
7. Provide high-quality assistance and intervention when and where needed.
8. Provide timely and accurate information on all public and independent education services.
9. Recommend to the Legislature the missions of the public colleges and universities and community colleges.

(c) Commissioner of Education.—The Commissioner of Education shall serve as chief executive officer of the seamless K-20 education system. The commissioner shall propose action on all issues that the Florida Board of Education brings before the State Board of Education and shall be responsible for enforcing compliance with the mission and goals of the seamless K-20 education system by all education delivery sectors. The commissioner's office shall operate all statewide functions necessary to support the Florida Board of Education and the seamless K-20 education system, including the following areas:

1. Legal.
2. Communications, including a Citizen Information Center that provides quick response and uses customer-friendly methods.
3. Strategic planning and budget development.
4. General administration.
5. Assessment and accountability.
6. Data management, education technology, and an education data warehouse.
7. Access and opportunity.
8. Policy research and development, except the Council for Education Policy Research and Improvement.
9. Florida Board of Education personnel.

10. Workforce and economic development.
11. Educational facilities.
12. Technology and information services.
13. Student financial assistance.
14. Inspector General.

(d) Chancellors and executive director.—The Chancellor of Public Schools, the Chancellor of Community Colleges, the Chancellor of Colleges and Universities, and the Executive Director of Independent Education shall serve the Florida Board of Education, the Secretary of the Florida Board of Education, and the Commissioner of Education in the role of division vice presidents of the K-20 education system and as governance officers and critical members of the state-level education leadership team. They shall each be held responsible for providing leadership, administering programs, resolving disputes, providing technical assistance, and timely recommending action plans to the commissioner for sanctions or intervention when needed, as well as making recommendations to the board, the secretary, and the commissioner for strategic planning and budget development for their respective education delivery sectors. They shall support the governing policies and responsibilities of the board, the secretary, and the commissioner and bear primary responsibility for the achievement of the mission and goals of the K-20 education system by their education delivery sectors, as applicable to their sectors. They shall reinforce the policies and principles of the seamless K-20 education system in every venue and at every opportunity, and work together to facilitate horizontal communications and interactions between the education delivery sectors. Specifically, as applicable, each education governance officer shall:

1. Serve as the head of the division.
 2. Supervise all employees and work of the division.
 3. Properly and timely inform education institutions and the public as to legislative action, including funding, grant opportunities, and substantive policy changes affecting the division.
 4. Direct the review of expenditures of public funds in accordance with legislative intent.
 5. Evaluate the performance of each education institution under the division and report performance results to the public, the Legislature, the Commissioner of Education, the Florida Board of Education, and the institution and its governing board.
 6. Direct institutional governing boards to take corrective action to improve unsatisfactory performance pursuant to law and rules of the Florida Board of Education.
 7. Direct and oversee the development of the division's accountability system and recommend changes to the Commissioner of Education and the Florida Board of Education.
 8. Direct the division's activities in order to coordinate with other divisions to provide a seamless education system.
 9. Direct the provision of state services to institutions under the division.
 10. Direct the development of the division's legislative budget request and work cooperatively with the commissioner and other governance officers to develop a coordinated budget request.
 11. Serve as the primary point of contact and communication for the division.
- (e) Institutional boards of trustees and school boards.—Each institutional board of trustees and school board shall:
1. Provide strategic planning and budget development for their institution or school district.
 2. Implement and maintain high-quality education programs within law and rules of the Florida Board of Education.

3. Measure and enforce performance.
 4. Provide timely and accurate reporting of information.
 5. Provide direct input on education issues to the education governance officers.
 6. Have broad latitude within law and rules of the Florida Board of Education in developing local policies and local programs to meet the needs of their students, their communities, and area employers.
 7. Hold presidents and appointed superintendents responsible for institution and school performance.
 8. Be responsible for the fiscal accountability of their institution or school district.
 9. Be responsible for compliance with all laws, rules of the Florida Board of Education, and performance accountability requirements.
- (f) Presidents and superintendents.—Each institutional president and school district superintendent shall:
1. Be responsible for efficient and effective budget and program administration.
 2. Provide strong leadership to accomplish their education missions and goals.
 3. Closely monitor education performance.
 4. Provide timely and accurate financial and performance data.
 5. Link instructional staff evaluations to student performance.

(g) Ad hoc advisory committees.—Advisory bodies shall be appointed on an ad hoc basis by the Florida Board of Education to serve the board, commissioner, and chancellors when and as needed by studying and recommending action on major issues that affect the direction and quality of education, providing public forums for debate, and safeguarding a coordinated systemwide approach to education policy decisions.

Section 9. Section 229.007, Florida Statutes, is created to read:

229.007 Florida's K-20 education performance accountability system; legislative intent; performance-based funding; mission, goals, and systemwide measures.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that:

(a) The performance accountability system implemented to assess the effectiveness of Florida's seamless K-20 education delivery system provide answers to the following questions in relation to its mission and goals:

1. What is the public getting in return for funds it invests in education?
2. How is Florida's K-20 education system performing in terms of educating its students?
3. How are the major delivery sectors performing to promote student achievement?
4. How are individual schools and postsecondary education institutions performing their responsibility to educate their students as measured by how students are performing and how much they are learning?

(b) The Florida Board of Education recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is getting in return for the funds it invests in education and how well the K-20 system educates its students.

(c) The Florida Board of Education establish performance measures and set performance standards for individual components of the public

education system, including individual schools and postsecondary education institutions, which measures and standards are based primarily on student achievement.

(2) PERFORMANCE-BASED FUNDING.—The Florida Board of Education shall work with the chancellors and each delivery system to develop proposals for performance-based funding, using performance measures established by the Legislature. The proposals must provide that at least 10 percent of the state funds appropriated for the K-20 education system are conditional upon meeting or exceeding established performance standards. The Florida Board of Education must submit the recommendations to the Legislature in the following sequence:

(a) By December 1, 2002, recommendations for state universities, for consideration by the 2003 Legislature and implementation in the 2003-2004 fiscal year.

(b) By December 1, 2003, recommendations for public schools and workforce education, for consideration by the 2004 Legislature and implementation in the 2004-2005 fiscal year.

(c) By December 1, 2004, recommendations for community colleges, for consideration by the 2005 Legislature and implementation in the 2005-2006 fiscal year.

(d) By December 1, 2005, recommendations for all other programs that receive state funds within the Department of Education.

(3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.—The mission of Florida's K-20 education system, when it becomes fully operational, shall be to increase the proficiency of all students within one seamless, efficient system, by providing them with the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities, and to maintain an accountability system that measures student progress toward the following goals:

(a) Highest student achievement, as measured by: student FCAT performance and annual learning gains; the number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to s. 229.57; graduation or completion rates at all learning levels; and other measures identified in law or rule.

(b) Seamless articulation and maximum access, as measured by: the percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through postsecondary education and into the workforce; the number and percentage of students needing remediation; the percentage of Floridians who complete associate, baccalaureate, professional, and postgraduate degrees; the number and percentage of credits that articulate; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; and other measures identified in law or rule.

(c) Skilled workforce and economic development, as measured by: the number and percentage of graduates employed in their areas of preparation; the percentage of Floridians with high school diplomas and postsecondary education credentials; the percentage of business and community members who find that Florida's graduates possess the skills they need; and other measures identified in law or rule.

(d) Quality efficient services, as measured by: cost per completer or graduate; average cost per noncompleter at each educational level; cost disparity across institutions offering the same degrees; the percentage of education customers at each educational level who are satisfied with the education provided; and other measures identified in law or rule.

Section 10. Section 229.0072, Florida Statutes, is created to read:

229.0072 Reorganization implementation process.—In order to best achieve the legislative purpose of the Florida Education Governance Reorganization Implementation Act:

(1) The Governor shall appoint the members of the boards of trustees of the state universities in accordance with s. 229.008.

(2) Effective July 1, 2001, the Governor shall appoint a seven-member Florida Board of Education and a Secretary of the Florida Board of Education. The Florida Board of Education shall be housed within, and operate under the direction of, the State Board of Education. The Secretary of the Florida Board of Education shall possess proven organizational leadership and knowledge of broad-based education policy. The secretary shall be confirmed by the Senate during the 2002 regular legislative session, but may perform all duties in the interim. The secretary shall serve as secretary to the board and as the board's primary liaison with all entities involved in the reorganization of education. The secretary shall be responsible directly to the Florida Board of Education and shall serve as staff to the board on all action items relating to the reorganization. During the reorganization implementation period, the secretary shall:

(a) Be responsible for proposing actions regarding all education governance reorganization implementation issues.

(b) Be responsible for integration of the Department of Education as it is reorganized into an agency of the Governor.

(c) Serve as the head of the Education Reorganization Workgroup.

(d) Serve as the head of the K-20 education leadership team.

(3) The Florida Board of Education shall establish a detailed procedure for the implementation of a systemwide K-20 technology plan which includes a month-by-month timeline with monthly progress reports to the board.

(4) Subject to review and approval of the State Board of Education, the Florida Board of Education shall:

(a) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it. The rules shall be submitted to the State Board of Education. If any rule is not disapproved by the State Board of Education within 45 days after its receipt, the rule shall be filed immediately with the Department of State.

(b) Prepare and submit a coordinated K-20 education budget to the Governor and Legislature that clearly defines the individual needs of the divisions within the Department of Education. No school district shall use public funds to support activities of an employee organization. The Florida Board of Education shall adopt rules implementing this restriction on the use of public funds and shall not allow such use of public funds to be included in its recommended budget, except for collective bargaining negotiations.

(c) Establish a work plan and timeline for the orderly implementation of the transition, including a fully detailed plan and timeline for the devolution of duties, as appropriate, to the university boards of trustees.

(d) Establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.

(e) Supervise the coordination of institutions and delivery sectors.

(f) Establish policies for university and community college boards of trustees to follow in selecting presidents.

(g) Approve plans and reports, and take other necessary actions pertaining to the supervision of education.

(h) Effectuate the timely implementation of the seamless K-20 education system.

(i) Establish advisory boards on an ad hoc basis to provide the support needed to address issues such as public education facilities planning; student issues; instructional issues; distance learning and technology; academic quality, freedom, and responsibility; and research.

(j) Develop and review recommendations on issues of statewide importance, such as technology systems and facilities.

(k) Adopt criteria and implementation plans for future growth issues, such as new colleges and universities and campus mergers; and provide for cooperative agreements between and within public and private education sectors.

(l) Advise the State Board of Education regarding the issuance of bonds.

(m) Develop, and periodically review for adjustment, a coordinated 5-year plan for postsecondary enrollment and annually submit the plan to the Legislature.

(n) Develop and recommend to the Education Governance Reorganization Transition Task Force, the Governor, the Secretary of the Florida Board of Education, the Commissioner of Education, and the Legislature, no later than January 1, 2002, for adoption during 2002, a clear, concise new School Code, comprised of the revision of chapters 228-246, to accomplish the implementation, administration, and operation of Florida's seamless K-20 education system in accordance with the guidelines included in s. 229.0061.

(o) Receive, review, and make decisions regarding charter school appeals, which decisions shall be binding.

(p) Serve as the successor for all collective bargaining agreements currently in effect with the Board of Regents.

(5) Effective July 1, 2001, the Commissioner of Education shall:

(a) Work with the Florida Board of Education and its secretary to achieve full implementation of the seamless K-20 education system.

(b) Commence reorganization of the Department of Education as a state agency of the Governor in accordance with legislative guidelines pursuant to s. 229.0073, the requirements of s. 229.003(5), and requests of the Florida Board of Education as approved by the State Board of Education.

(c) As Secretary of the State Board of Education, assist the Secretary of the Florida Board of Education in determining the agenda for the Florida Board of Education and provide the Florida Board of Education and the State Board of Education the full support of the reorganized Department of Education.

Section 11. Section 229.0073, Florida Statutes, is created to read:

229.0073 Reorganization of the Department of Education.—Effective July 1, 2001, notwithstanding the provisions of s. 20.15, the secretary's Education Reorganization Workgroup is established to direct and provide oversight for the reorganization of Florida's K-20 Department of Education. The workgroup shall be comprised of the Secretary of the Florida Board of Education, the Commissioner of Education, the Governor or his designee, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, the Chancellor of Public Schools, and the Executive Director of Independent Education, who shall consult with the legislative members of the Education Governance Reorganization Transition Task Force. The reorganization shall:

(1) Eliminate duplication across divisions; achieve greater efficiencies in financial and human resources and education services; and identify functions, resources, and services that should be eliminated, transferred, or realigned.

(2) Include a review and assessment of all bureaus, offices, divisions, and functions of the department reorganized pursuant to this section.

(3) Establish an Office of the Commissioner of Education that includes the general areas of operation that are common to all delivery sectors, such as administration, communication, legal services, financial aid, and government and public relations, in order to increase efficiency, improve service delivery to students, and fully support the operational needs of the Florida Board of Education.

(4) Establish the following divisions within the department:

(a) Division of Public Schools (K-12).—The state's public elementary, middle, junior high, and high schools, as well as combination schools, charter schools, district magnet programs, and area technical centers.

(b) *Division of Community Colleges.*—The state's 28 public community colleges.

(c) *Division of Colleges and Universities.*—The state's public universities and colleges and the 4-year independent colleges and universities whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, to enable more effective articulation between these public and private institutions. The division chancellor shall administer those provisions of chapter 246 that apply to the independent colleges and universities within the division and shall establish a liaison responsible for partnerships that enhance articulation between and communication with Florida's 4-year independent colleges and universities.

(d) *Division of Independent Education.*—The independent education providers within the state, including home education programs that meet the requirements of s. 232.0201, private K-12 institutions as described in s. 229.808, independent colleges and universities, except those identified under paragraph (c), and private postsecondary career preparation and vocational training institutions.

1. The division shall be under an executive director and shall house a new commission, appointed by the Governor, to oversee licensing of independent postsecondary institutions, consumer protection, and program improvement. The commission shall have the powers and duties of the State Board of Independent Colleges and Universities specified in chapter 246, except the powers and duties relating to those institutions identified under paragraph (c), and of the State Board of Nonpublic Career Education.

2. The division shall serve as the advocate for and liaison to the independent education providers identified in this paragraph.

3. The executive director of the division shall establish a mechanism for regular interaction and input from independent education providers in the development of policies that provide seamless articulation for all students.

4. The division shall afford students and parents educational options apart from the public K-20 system.

(5) Establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(a) *Office of Technology and Information Services.*—In conjunction with the Chancellor of Public Schools, the Chancellor of Community Colleges, and the Chancellor of Colleges and Universities, the office shall be responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, and coordinating services with other state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system. The Florida Virtual High School shall be administratively housed within the office.

(b) *Office of Workforce and Economic Development.*—The office shall evaluate the role of each sector of education in Florida's workforce and economic development, assess the specific work skills and variety of careers provided, and report to the Florida Board of Education the effectiveness of each sector.

(c) *Office of Educational Facilities and SMART Schools Clearinghouse.*—The office shall validate all educational plant surveys and verify Florida Inventory of School Houses (FISH) data. The office shall provide technical assistance to public school districts when requested. The office, staff, property, and functions of the SMART Schools Clearinghouse are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Management Services to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education.

(d) *Office of Student Financial Assistance.*—The office shall provide access to and administer state and federal grants, scholarships, and

loans to those students seeking financial assistance for postsecondary study pursuant to program criteria and eligibility requirements.

(6) Establish a K-20 education leadership team, including, but not limited to, the Secretary of the Florida Board of Education and the education governance officers. The leadership team shall be responsible for systemwide horizontal and vertical communication, and assisting the achievement of the seamless K-20 education system.

Section 12. Section 229.0074, Florida Statutes, is created to read:

229.0074 *Division of Independent Education.*—

(1) The mission of the Division of Independent Education is to enhance the opportunity to raise the educational attainment levels of students pursuing their education in nongovernment settings by representing their interests, and those of the institutions that serve them, in the Department of Education. The Division of Independent Education has no authority over the institutions or students in Florida's independent education sector. The Commission for Independent Education, administratively housed within the division, shall have such authority as specified in chapter 246 relating to independent postsecondary education, except regarding those institutions described in s. 229.0073(4)(c). The division shall serve as the advocate for, and liaison to, independent education providers and institutions, including home education programs that meet the requirements of s. 232.0201, private K-12 institutions as described in s. 229.808, independent colleges and universities except as otherwise provided in s. 229.0073(4)(c), and private postsecondary career preparation/vocational training institutions.

(2) The executive director of the division shall establish a mechanism for regular interaction and input from independent education providers in the development of policies that provide seamless articulation for all students. The executive director shall:

(a) Learn the interests and concerns of the students and providers of independent education at all levels in order to strongly represent them in the Department of Education.

(b) Articulate the interests and concerns of the students and providers of independent education at all levels in all relevant government settings, accurately reflecting the consensus or differences in opinion among those represented.

(c) Participate with the other division heads in key education decisionmaking processes.

(d) Monitor and participate in rulemaking and other activities relevant to the interests of the independent education sector.

(e) Serve as a key spokesperson for the independent education sector.

(f) Advocate for any necessary educational services and funds for independent education sector families and schools.

(g) Establish a clearinghouse of information.

(h) Foster a collaborative spirit and working relationship among the institutions of the private and public sectors.

(i) Identify and convey the best practices of the independent education sector for the benefit of the other education delivery sectors, and vice versa.

(j) Augment, where appropriate, the efforts of groups representing the students and providers of independent education to communicate their concerns to government.

(k) Facilitate the administration of education services provided by the Department of Education to the independent education sector, such as those relating to teacher certification and background checks.

(l) Encourage student-centered funding and the expansion of family choice in education.

(m) Develop and propose courses of action to the representatives of the independent education sector.

(n) Communicate relevant decisions to the independent education sector.

(o) Establish and oversee the division staff necessary to carry out the division's functions in the most economical and effective manner.

(p) Evaluate pending policies to ensure they do not place additional regulation or mandates on the independent education community.

(3) The powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, shall be combined and transferred to a single board named the Commission for Independent Education, which shall be administratively housed within the division. This single board shall authorize granting of certificates, diplomas, and degrees for independent postsecondary education institutions through exemption, registration, authorization, and licensing.

(4) The Commission for Independent Education shall consist of six citizens who are residents of this state. The commission shall function in matters relating to independent postsecondary education institutions in consumer protection, program improvement, registration, authorization, licensure, and certificate of exemption from licensure for institutions under its purview, in keeping with the stated goals of the seamless K-20 education system. The commission shall appoint an executive director to serve as secretary of the commission and shall elect a chair and other officers as needed from among its membership. Members of the commission shall be appointed by the Governor and confirmed by the Senate. The commission shall be composed of six members, as follows:

(a) One member from an independent college or university that enrolls students who receive state or federal financial aid.

(b) One member from an independent college or university that does not enroll students who receive state or federal financial aid excluding veteran's benefits.

(c) One member from an independent nondegree granting school that enrolls students who receive state or federal financial aid.

(d) One member from a public school district or community college who is an administrator of vocational-technical education.

(e) Two lay members who are not affiliated with an independent postsecondary education institution.

(5) The establishment of the Division of Independent Education shall not be construed to advance the extension or expansion of government regulation of independent or home education programs and nothing contained in this act shall authorize the state or any school district to further regulate, control, or interfere with the autonomy of independent K-12 schools or home education programs, or their governance, curriculum, accreditation, testing, or other practices.

Section 13. Section 229.008, Florida Statutes, is created to read:

229.008 Boards of trustees of the state universities.—

(1)(a) Effective July 1, 2001, and no later than November 1, 2001, the Governor shall appoint a 13-member board of trustees for each university in the State University System, each member to be confirmed by the Senate in the regular legislative session immediately following his or her appointment. In addition, a student body president shall serve as a voting member of his or her university board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation. Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

(b) The Governor may remove a trustee upon the recommendation of the Florida Board of Education, or for cause.

(2) Each board of trustees shall be a public body corporate by the name of "The (name of university) Board of Trustees," with all the powers of a body corporate, including a corporate seal, the power to contract and

be contracted with, to sue and be sued, to plead and be impleaded in all courts of law or equity, and to give and receive donations. In all suits against a board of trustees, service of process shall be made on the chair of the board or, in the absence of the chair, on the corporate secretary or designee.

(3) Boards of trustees' members shall be appointed for staggered 4-year terms, and may be reappointed for additional terms not to exceed 8 years of service.

(4) Each board of trustees shall select its chair and vice chair from the appointed members at its first regular meeting after July 1. The chair shall serve for 2 years and may be reelected for one additional consecutive term. The duties of the chair shall include presiding at all meetings of the board, calling special meetings of the board, attesting to actions of the board, and notifying the Governor in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal. The duty of the vice chair is to act as chair during the absence or disability of the chair.

(5) The university president shall serve as executive officer and corporate secretary of the board of trustees and shall be responsible to the board for all operations of the university and for setting the agenda for meetings of the board in consultation with the chair.

(6) Upon appointment, each board of trustees shall commence professional orientation, training, and board development activities, and shall begin setting direction for its university in keeping with accountability and performance expectations of the seamless K-20 education system. Each board of trustees shall submit to the Florida Board of Education action plans and timelines for devolution of duties and responsibilities to the board of trustees.

(7) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law and rules of the Florida Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(8) Whenever any civil action has been brought against any member of a university board of trustees or employee for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, the university board of trustees may defray all costs of defending such action, including reasonable attorney's fees and expenses together with costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his or her duties and responsibilities. Claims based on such actions or omissions may, in the discretion of the university board of trustees, be settled prior to or after the filing of suit thereon. The board of trustees may arrange for and pay the premium for appropriate insurance to cover all such losses and expenses.

(9) University boards of trustees shall be "corporations primarily acting as instrumentalities or agencies of the state," pursuant to s. 768.28(2), for purposes of sovereign immunity.

Section 14. Section 229.0081, Florida Statutes, is created to read:

229.0081 Powers and duties of university boards of trustees.—

(1) Notwithstanding the provisions of chapter 240, each university board of trustees is vested with the authority to govern and set policy for its university, as necessary to provide proper governance and improvement of the university in accordance with law and with rules of the Florida Board of Education. Each board of trustees shall perform all duties assigned by law or by rule of the Florida Board of Education or the Commissioner of Education.

(2) Notwithstanding the provisions of chapter 240, each university board of trustees may adopt rules and policies consistent with the university mission, with law, and with rule of the Florida Board of Education, including rules and policies for the following:

(a) *Selecting the president to serve at the pleasure of the board and perform such duties as are assigned by the board or otherwise provided by law or by rule.*

(b) *Fixing the compensation and other conditions of employment of the president.*

(c) *Conducting periodic evaluations of the president, submitting such evaluations to the Chancellor for review, and suspending or removing the president in accordance with guidelines established by the Chancellor.*

(d) *Appointing a presidential search committee to make recommendations to the full board of trustees, from which the board shall select a candidate for reference to the Chancellor and ratification by the Florida Board of Education.*

(e) *In consultation with the university president, defining and developing a strategic plan for the university for recommendation to the Chancellor, the Commissioner of Education, and the Florida Board of Education, as provided by law, specifying institutional goals and objectives.*

(f) *In consultation with the university president, providing for academic freedom and academic responsibility at the university.*

(g) *In consultation with the university president, submitting an institutional budget request, including a request for fixed capital outlay, to the Chancellor in accordance with guidelines established by the Florida Board of Education.*

(h) *Approving new, and terminating existing, undergraduate and graduate degree programs up to and including the master's degree level, based on criteria established by the Florida Board of Education.*

(i) *Purchasing, acquiring, receiving, holding, owning, managing, leasing, selling, disposing of, and conveying title to real property, in accordance with rules and guidelines of the Florida Board of Education.*

(j) *Entering into agreements for and accepting credit card, charge card, and debit card payments as compensation for goods, services, tuition, and fees.*

(k) *Establishing codes of conduct and appropriate penalties for violations of university rules by students and student organizations, including rules governing student academic honesty.*

(l) *Establishing a committee, at least one-half of the members of which shall be students appointed by the student body president, to periodically review and evaluate the student judicial system.*

(m) *Administering the personnel program for all employees of the university in accordance with law and with rules and guidelines of the Florida Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, recognition, inventions and works, travel, 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.*

(n) *Establishing and maintaining a personnel exchange program.*

(o) *Governing admission of students subject to the rules of the Florida Board of Education.*

(p) *Considering the past actions of any person applying for admission, enrollment, or employment, and establishing policies to deny admission, enrollment, or employment to an applicant because of misconduct if determined to be in the best interest of the university.*

(q) *Ensuring compliance with federal laws, regulations, and requirements.*

(r) *Using, maintaining, protecting, and controlling university-owned or university-controlled buildings and grounds, property and equipment,*

name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, human subjects, animals, and sound.

(s) *Providing and coordinating policies relating to credit and noncredit educational offerings by the university.*

(t) *Administering a procurement program for the purchase, lease, or acquisition in any manner (including purchase by installment or lease-purchase contract which may provide for the payment of interest on the unpaid portion of the purchase price and for the granting of a security interest in the items purchased) of goods, materials, equipment, and services required by the university.*

(u) *Supervising faculty practice plans for the academic health science centers.*

(v) *Prescribing conditions for university health services support organizations to be certified and to use university property and services.*

(w) *Prescribing conditions, which include audit review and oversight by the board of trustees, for university direct-support organizations to use university property and services.*

(3) *Each board of trustees shall actively implement a plan, in accordance with guidelines of the Florida Board of Education, for working on a regular basis with the other university boards of trustees, representatives of the community college boards of trustees, and representatives of the district school boards, to achieve the goals of the seamless education system.*

(4) *Notwithstanding the provisions of s. 216.351, a state university board of trustees 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. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities.*

(5) *Effective July 1, 2002, within proviso in the General Appropriations Act and law, each board of trustees shall set university tuition and fees. The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the matriculation fee established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities that are not required as a part of registration for courses.*

(6) *Effective July 1, 2002, each board of trustees shall implement the university facilities plan in accordance with law and guidelines of the Commissioner of Education's Office of Educational Facilities and SMART Schools Clearinghouse.*

(7) *A board of trustees shall perform such other duties as are provided by law or rule of the Florida Board of Education.*

Section 15. Section 229.0082, Florida Statutes, is created to read:

229.0082 *University presidents; powers and duties.—The president is the chief executive officer of the university, shall be corporate secretary of the state university board of trustees, and is responsible for the operation and administration of the university. Each university president shall:*

(1) *Recommend the adoption of rules, as appropriate, to the state university board of trustees 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 the rules and policies of the Florida Board of Education.*

(2) Prepare a budget request and an operating budget for approval by the university board of trustees.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the Florida Board of Education and in accordance with rules or policies approved by the university board of trustees.

(4) Govern admissions, subject to law and rules or policies of the university board of trustees and the Florida Board of Education.

(5) Approve, execute, and administer contracts for and on behalf of the university board of trustees for the acquisition of commodities, goods, equipment, services, leases of real and personal property, and planning and construction to be rendered to or by the university, provided such contracts are within law and guidelines of the Florida Board of Education and in conformance with policies of the university board of trustees, and are for the implementation of approved programs of the university.

(6) Act for the university board of trustees as custodian of all university property. 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.

(7) Establish the internal academic calendar of the university within general guidelines of the Florida Board of Education.

(8) Administer the university's program of intercollegiate athletics.

(9) Recommend to the board of trustees the establishment and termination of undergraduate and master's-level degree programs within the approved role and scope of the university.

(10) Award degrees.

(11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the university, within law and rules of the Florida Board of Education.

(12) Organize the university to efficiently and effectively achieve the goals of the university.

(13) Review periodically the operations of the university in order to determine how effectively and efficiently the university is being administered and whether it is meeting the goals of its strategic plan adopted by the Florida Board of Education.

(14) Enter into agreements for student exchange programs which involve students at the university and students in other institutions of higher learning.

(15) Approve the internal procedures of student government organizations and provide purchasing, contracting, and budgetary review processes for these organizations.

(16) Ensure compliance with federal and state laws, regulations, and other requirements that are applicable to the university.

(17) Maintain all data and information pertaining to the operation of the university, and report on the attainment by the university of institutional and statewide performance accountability goals.

(18) Adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the university board of trustees. 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.

Section 16. Effective July 1, 2001, the Florida Partnership for School Readiness is transferred by a type two transfer, pursuant to s. 20.06(2),

Florida Statutes, from the Executive Office of the Governor to the Agency for Workforce Innovation.

Section 17. Effective July 1, 2001, the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program, including but not limited to statewide staff as referenced in the interagency agreement between the Department of Children and Family Services and the Florida Partnership for School Readiness signed on March 15, 2001, are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

Section 18. Effective July 1, 2001, the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including but not limited to statewide staff as referenced in the interagency agreement between the Department of Education and the Florida Partnership for School Readiness, are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

Section 19. For purposes of administration of the Early Learning Opportunities Act and the Even Start Family Literacy Programs, pursuant to Pub. L. No. 106-554, the Agency for Workforce Innovation is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law.

Section 20. Section 411.01, Florida Statutes, is amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(1) SHORT TITLE.—This section may be cited as the "School Readiness Act."

(2) LEGISLATIVE INTENT.—

(a) The Legislature recognizes that school readiness programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmentally appropriate, research-based, involve parents as their child's first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program.

(b) It is the intent of the Legislature that school readiness programs be operated on a full-day, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.

(c) It is the intent of the Legislature that school readiness programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that school readiness programs be coordinated and funding integrated to achieve full effectiveness.

(d) It is the intent of the Legislature that the administrative staff at the state level for school readiness programs be kept to the minimum necessary to carry out the duties of the Florida Partnership for School Readiness, as the school readiness programs are to be locally designed, operated, and managed, with the Florida Partnership for School Readiness adopting a system for measuring school readiness; developing school readiness program performance standards, outcome measurements, and data design and review; and approving and reviewing local school readiness coalitions and plans.

(e) It is the intent of the Legislature that appropriations for combined school readiness programs shall not be less than the programs would receive in any fiscal year on an uncombined basis.

(f) It is the intent of the Legislature that the school readiness program coordinate and operate in conjunction with the district school systems. However, it is also the intent of the Legislature that the school readiness program not be construed as part of the system of free public schools but rather as a separate program for children under the age of

kindergarten eligibility, funded separately from the system of free public schools, utilizing a mandatory sliding fee scale, and providing an integrated and seamless system of school readiness services for the state's birth-to-kindergarten population.

(g) It is the intent of the Legislature that the federal child care income tax credit be preserved for school readiness programs.

(h) *It is the intent of the Legislature that school readiness services shall be an integrated and seamless system of services with a developmentally appropriate education component for the state's eligible birth-to-kindergarten population described in subsection (6) and shall not be construed as part of the seamless K-20 education system except for the administration of the uniform screening system upon entry into kindergarten.*

(3) SCHOOL READINESS PROGRAM.—

(a) The school readiness program shall be phased in on a coalition-by-coalition basis. Each coalition's school readiness program shall have available to it funding from all the coalition's early education and child care programs that are funded with state, federal, lottery, or local funds, including but not limited to Florida First Start programs, Even-Start literacy programs, prekindergarten early intervention programs, Head Start programs, programs offered by public and private providers of child care, migrant prekindergarten programs, Title I programs, subsidized child care programs, and teen parent programs, together with any additional funds appropriated or obtained for purposes of this section. These programs and their funding streams shall be components of the coalition's integrated school readiness program, with the goal of preparing children for success in school.

(b) *Nothing contained in this act is intended to:*

1. *Relieve parents and guardians of their own obligations to ready their children for school; or*

2. *Create any obligation to provide publicly funded school readiness programs or services beyond those authorized by the Legislature.*

(4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.—

(a) ~~There is created~~ The Florida Partnership for School Readiness ~~was created to fulfill three major purposes: to administer school readiness program services that help parents prepare eligible children for school; to coordinate the provision of school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient; and to establish a uniform screening instrument to be implemented by the Department of Education and administered by the school districts upon entry into kindergarten to assess the readiness for school of all children. Readiness for kindergarten is the outcome measure of the success of each school readiness program that receives state or federal funds. with responsibility for adopting and maintaining coordinated programmatic, administrative, and fiscal policies and standards for all school readiness programs, while allowing a wide range of programmatic flexibility and differentiation.~~ The partnership is assigned to the ~~Agency for Workforce Innovation Executive Office of the Governor~~ for administrative purposes.

(b) *The Florida Partnership for School Readiness shall:*

1. *Coordinate the birth-to-kindergarten services for children who are eligible pursuant to subsection (6) and the programmatic, administrative, and fiscal standards pursuant to this section for all public providers of school readiness programs.*

2. *Continue to provide unified leadership for school readiness through local school readiness coalitions.*

3. *Focus on improving the educational quality of all publicly funded school readiness programs.*

(c)(~~b~~)1. The Florida Partnership for School Readiness shall include the Lieutenant Governor, the Commissioner of Education, the Secretary of Children and Family Services, and the Secretary of Health, or their

designees, and the chair of the Child Care Executive Partnership Board, and the chairperson of the Board of Directors of Workforce Florida, Inc. When the Lieutenant Governor or an agency head appoints a designee, the designee must be an individual who attends consistently, and, in the event that the Lieutenant Governor or agency head and his or her designee both attend a meeting, only one of them may vote.

2. The partnership shall also include ~~14~~ 10 members of the public who shall be business, community, and civic leaders in the state who are not elected to public office. These members and their families must not ~~have a direct contract with any local coalition to provide school readiness services be providers in the early education and child care industry.~~ The members must be geographically and demographically representative of the state. Each member shall be appointed by the Governor. ~~Eight of the members shall be appointed from a list of 10 nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. By July 1, 2001, four members shall be appointed as follows: two members shall be from the child care industry, one representing the private for-profit sector appointed by the Governor from a list of two nominees submitted by the President of the Senate and one representing faith-based providers appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives; and two members shall be from the business community, one appointed by the Governor from a list of two nominees submitted by the President of the Senate and one appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives.~~ Members shall be appointed to 4-year terms of office. ~~However, of the initial appointees, two shall be appointed to 1-year terms, two shall be appointed to 2-year terms, three shall be appointed to 3-year terms, and three shall be appointed to 4-year terms.~~ The members of the partnership shall elect a chairperson annually from the nongovernmental members of the partnership. Any vacancy on the partnership shall be filled in the same manner as the original appointment.

(d)(~~e~~) The partnership shall meet at least quarterly but may meet as often as it deems necessary to carry out its duties and responsibilities. Members of the partnership shall participate without proxy at the quarterly meetings. The partnership may take official action by a majority vote of the members present at any meeting at which a quorum is present. ~~The partnership shall hold its first meeting by October 1, 1999.~~

(e)(~~d~~) Members of the partnership are subject to the ethics provisions in part III of chapter 112, and no member may derive any financial benefit from the funds administered by the Florida Partnership for School Readiness.

(f)(~~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 reimbursement for other reasonable, necessary, and actual expenses.

(g)(~~f~~) For the purposes of tort liability, the members of the partnership and its employees shall be governed by s. 768.28.

(h)(~~g~~) The partnership shall appoint an executive director ~~who shall~~ ~~to serve at the its pleasure of the Governor.~~ ~~The executive director who~~ shall perform the duties assigned to him or her by the partnership. The executive director shall be responsible for hiring, subject to the approval of the partnership, all employees and staff members, who shall serve under his or her direction and control.

(i)(~~h~~) For purposes of administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, the partnership may be designated by the Governor as the lead agency, and if so designated shall comply with the lead agency responsibilities pursuant to federal law.

(j)(~~i~~) The Florida Partnership for School Readiness is the principal organization responsible for the enhancement of school readiness for the state's children, and shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.
2. Provide final approval and periodic review of coalitions and plans.
3. Provide leadership for enhancement of school readiness in this state by aggressively establishing a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the partnership may develop and implement specific strategies that address the state's school readiness programs.
4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the state's children.
5. Provide technical assistance to coalitions.
6. Assess gaps in service.
7. Provide technical assistance to counties that form a multicounty coalition.
- 8.a. ~~By July 1, 2000,~~ Adopt a system for measuring school readiness that provides objective data regarding the expectations for school readiness, and establish a method for collecting the data and guidelines for using the data. The measurement, the data collection, and the use of the data must serve the statewide school readiness goal. The criteria for determining which data to collect should be the usefulness of the data to state policymakers and local program administrators in administering programs and allocating state funds, and must include the tracking of school readiness system information back to individual school readiness programs to assist in determining program effectiveness.
- b. ~~By December 31, 2000, the partnership shall also~~ Adopt a system for evaluating the performance of students through the third grade to compare the performance of those who participated in school readiness programs with the performance of students who did not participate in school readiness programs in order to identify strategies for continued successful student performance.
9. ~~By June 1, 2000,~~ Develop and adopt performance standards and outcome measures.
10. ~~In consultation with the Postsecondary Education Planning Commission and the Education Standards Commission, assess the expertise of public and private Florida postsecondary institutions in the areas of infant and toddler developmental research; the related curriculum of training, career, and academic programs; and the status of articulation among those programs. Based on this assessment, the partnership shall provide recommendations to the Governor and the Legislature for postsecondary program improvements to enhance school readiness initiatives.~~
- (k)(j) The partnership may adopt rules necessary to administer the provisions of this section which relate to preparing and implementing the system for school readiness, collecting data, approving local school readiness coalitions and plans, providing a method whereby a coalition can serve two or more counties, awarding incentives to coalitions, and issuing waivers.
- (l)(k) The Florida Partnership for School Readiness shall have all powers necessary to carry out the purposes of this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this section.
- (l) The Florida Partnership for School Readiness shall be an independent, nonpartisan body and shall not be identified or affiliated with any one agency, program, or group.
- (m) The Florida Partnership for School Readiness shall have a budget, shall be financed through an annual appropriation made for this purpose in the General Appropriations Act, and shall be subject to compliance audits and annual financial audits by the Auditor General.
- (n) The partnership shall coordinate the efforts toward school readiness in this state and provide independent policy analyses and recommendations to the Governor, the *Florida State Board of Education*, and the Legislature.
- (o) ~~By July 1, 2000,~~ The partnership shall prepare and submit to the *Florida State Board of Education* a system for measuring school readiness. The system must include a uniform screening, which shall provide objective data regarding the following expectations for school readiness which shall include, at a minimum:
 1. The child's immunizations and other health requirements as necessary, including appropriate vision and hearing screening and examinations.
 2. The child's physical development.
 3. The child's compliance with rules, limitations, and routines.
 4. The child's ability to perform tasks.
 5. The child's interactions with adults.
 6. The child's interactions with peers.
 7. The child's ability to cope with challenges.
 8. The child's self-help skills.
 9. The child's ability to express his or her needs.
 10. The child's verbal communication skills.
 11. The child's problem-solving skills.
 12. The child's following of verbal directions.
 13. The child's demonstration of curiosity, persistence, and exploratory behavior.
 14. The child's interest in books and other printed materials.
 15. The child's paying attention to stories.
 16. The child's participation in art and music activities.
 17. The child's ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.
- (p) The partnership shall prepare a plan for implementing the system for measuring school readiness in such a way that all children in this state will undergo the uniform screening established by the partnership when they enter kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening approved by the partnership for use in first grade. Because children with disabilities may not be able to meet all of the identified expectations for school readiness, the plan for measuring school readiness shall incorporate mechanisms for recognizing the potential variations in expectations for school readiness when serving children with disabilities and shall provide for communities to serve children with disabilities.
- (q) ~~The partnership shall recommend to the Governor, the Commissioner of Education, and the State Board of Education rules, and revisions or repeal of rules, which would increase the effectiveness of programs that prepare children for school.~~
- (r)(j) The partnership shall conduct studies and planning activities related to the overall improvement and effectiveness of school readiness measures.
- (s) ~~By February 1, 2000, the partnership shall work with the Office of the Comptroller for electronic funds transfer.~~
- (t) ~~By February 1, 2000, the partnership shall present to the Legislature a plan for combining funding streams for school readiness programs into a School Readiness Trust Fund.~~
- (r)(u) The partnership shall establish procedures for performance-based budgeting in school readiness programs.

(s)(+) The partnership shall submit an annual report of its activities to the Governor, the executive director of the Florida Healthy Kids Corporation, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the partnership's reports and recommendations shall be made available to the *Florida State* Board of Education, other appropriate state agencies and entities, district school boards, central agencies for child care, and county health departments. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs and the number of children who were ready for school.

(t)(w) The partnership shall work with school readiness coalitions to increase parents' training for and involvement in their children's preschool education and to provide family literacy activities and programs.

To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the partnership must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.

(5) CREATION OF SCHOOL READINESS COALITIONS.—

(a) School readiness coalitions.—

1. If a coalition's plan would serve less than 400 birth-to-kindergarten age children, the coalition must either join with another county to form a multicounty coalition, enter an agreement with a fiscal agent to serve more than one coalition, or demonstrate to the partnership its ability to effectively and efficiently implement its plan as a single-county coalition and meet all required performance standards and outcome measures.

2. Each coalition shall have at least 18 but not more than 25 members and such members must include the following:

a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.

c. A regional workforce development board chair or director, where applicable.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable.

f. A child care licensing agency head.

g. One member appointed by a Department of Children and Family Services district administrator.

h. One member appointed by a board of county commissioners.

i. One member appointed by a district school board.

j. A central child care agency administrator.

k. A Head Start director.

l. A representative of private child care providers.

m. A representative of faith-based child care providers.

More than one-third of the coalition members must be from the private sector, and neither they nor their families may earn an income from the early education and child care industry. To meet this requirement a coalition must appoint additional members from a list of nominees presented to the coalition by a chamber of commerce or economic development council within the geographic area of the coalition.

3. No member of a coalition may appoint a designee to act in his or her place. A member may send a representative to coalition meetings, but that representative will have no voting privileges. When a district superintendent of schools or a district administrator for the Department of Children and Family Services appoints a designee to a school readiness coalition, the designee will be the voting member of the coalition, and any individual attending in his or her place, including the district administrator or superintendent, will have no voting privileges.

~~4. The school readiness coalition shall replace the district interagency coordinating council required under s. 230.2305.~~

4.5. Members of the coalition are subject to the ethics provisions in part III of chapter 112.

5.6. For the purposes of tort liability, the members of the school readiness coalition and its employees shall be governed by s. 768.28.

6.7. Multicounty coalitions shall include representation from each county.

7.8. The terms of all appointed members of the coalition must be staggered. Appointed members may serve a maximum of two terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(b) Program participation.—The school readiness program shall be established for children from birth to 5 years of age or until the child enters kindergarten. The program shall be administered by the school readiness coalition. Within funding limitations, the school readiness coalition, along with all providers, shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the program.

(c) Program expectations.—

1. The school readiness program must meet the following expectations:

a. The program must prepare preschool children to enter kindergarten ready to learn, as measured by criteria established by the Florida Partnership for School Readiness.

b. The program must provide extended-day and extended-year services to the maximum extent possible to meet the needs of parents who work.

c. There must be coordinated staff development and teaching opportunities.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list.

f. As long as funding or eligible populations do not decrease, the program must serve at least as many children as were served prior to implementation of the program.

g. There must be a community plan to address the needs of all eligible children.

h. The program must meet all state licensing guidelines, where applicable.

2. The school readiness coalition must implement a comprehensive program of readiness services that enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures specified by the partnership. At a minimum, these programs must contain the following elements:

a. Developmentally appropriate curriculum.

b. A character development program to develop basic values.

c. An age-appropriate assessment of each child's development.

d. A pretest administered to children when they enter a program and a posttest administered to children when they leave the program.

- e. An appropriate staff-to-child ratio.
- f. A healthful and safe environment.
- g. A resource and referral network to assist parents in making an informed choice.

(d) Implementation.—

1. The school readiness program is to be phased in. Until the coalition implements its plan, the county shall continue to receive the services identified in subsection (3) through the various agencies that would be responsible for delivering those services under current law. Plan implementation is subject to approval of the coalition and the plan by the Florida Partnership for School Readiness.

2. Each school readiness coalition shall develop a plan for implementing the school readiness program to meet the requirements of this section and the performance standards and outcome measures established by the partnership. The plan must include a written description of the role of the program in the coalition's effort to meet the first state education goal, readiness to start school, including a description of the plan to involve the prekindergarten early intervention programs, Head Start Programs, programs offered by public or private providers of child care, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, and teen parent programs. The plan must also demonstrate how the program will ensure that each 3-year-old and 4-year-old child in a publicly funded school readiness program receives scheduled activities and instruction designed to prepare children to enter kindergarten ready to learn. Prior to implementation of the program, the school readiness coalition must submit the plan to the partnership for approval. The partnership may approve the plan, reject the plan, or approve the plan with conditions. *The Florida Partnership for School Readiness shall review coalition plans at least annually. plan shall be reviewed, revised, and approved biennially.*

3. The plan for the school readiness program must include the following minimum standards and provisions:

a. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers, to be implemented and reflected in each program's budget.

b. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

c. Instructional staff who have completed the training course as required in s. 402.305(2)(d)1., as well as staff who have additional training or credentials as required by the *partnership* ~~respective program provider~~. The plan must provide a method for assuring the qualifications of all personnel in all program settings.

d. Specific eligibility priorities for children within the coalition's county pursuant to subsection (6).

e. Performance standards and outcome measures established by the partnership or alternatively, standards and outcome measures to be used until such time as the partnership adopts such standards and outcome measures.

f. Reimbursement rates that have been developed by the coalition. *Reimbursement rates shall not have the effect of limiting parental choice or creating standards or levels of services that have not been authorized by the Legislature.*

g. Systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support and involvement.

h. Direct enhancement services to families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs.

i. A business plan, which must include the contract with a school readiness agent if the coalition is not a legally established corporate entity. Coalitions may contract with other coalitions to achieve

efficiency in multiple-county services, and such contracts may be part of the coalition's business plan.

j. Strategies to meet the needs of unique populations, such as migrant workers.

As part of the plan, the coalition may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program. If any school readiness plan can demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, a request for a waiver to the partnership may be made as part of the plan. Upon review, the partnership may grant the proposed modification.

4. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

5. The coalition may not implement its plan until it submits the plan to and receives approval from the partnership. Once the plan has been approved, the plan and the services provided under the plan shall be controlled by the coalition rather than by the state agencies or departments. The plan shall be reviewed and revised as necessary, but at least biennially.

6. The following statutes will not apply to local coalitions with approved plans: ss. 125.901(2)(a)3., ~~228.061(1) and (2), 230.2306, 411.221, 411.222, and 411.232.~~ To facilitate innovative practices and to allow local establishment of school readiness programs, a school readiness coalition may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. ~~230.2303, 230.2305, 230.23166, 402.3015, 411.223, and 411.232,~~ if the waiver is necessary for implementation of the coalition's school readiness plan.

7. Two or more counties may join for the purpose of planning and implementing a school readiness program.

8. A coalition may, subject to approval of the partnership as part of the coalition's plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program and be the provider of the program services.

9. Coalitions are authorized to enter into multiparty contracts with multicounty service providers in order to meet the needs of unique populations such as migrant workers.

(e) Requests for proposals; payment schedule.—

1. At least once every 3 years, beginning July 1, 2001, each coalition must follow the competitive procurement requirements of s. 287.057 for school readiness programs.

2. Each coalition shall develop a payment schedule that encompasses all programs funded by that coalition. The payment schedule must take into consideration the relevant market rate, must include the projected number of children to be served, and must be submitted to the partnership for information. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate developed for family childcare.

(f) Requirements relating to fiscal agents.—If the local coalition is not a legally established corporate entity, the coalition must designate a fiscal agent, which may be a public entity or a private nonprofit organization. The fiscal agent shall be required to provide financial and administrative services pursuant to a contract or agreement with the school readiness coalition. The fiscal agent may not provide direct early education or child care services; however, a fiscal agent may provide such services upon written request of the coalition to the partnership and upon the approval of such request by the partnership. The cost of the financial and administrative services shall be negotiated between the fiscal agent and the school readiness coalition. If the fiscal agent is a provider of early education and care programs, the contract must specify that the fiscal agent will act on policy direction from the coalition and will not receive policy direction from its own corporate board regarding disbursement of coalition funds. The fiscal agent shall disburse

funds in accordance with the approved coalition school readiness plan and based on billing and disbursement procedures approved by the partnership. The fiscal agent must conform to all data-reporting requirements established by the partnership.

~~(g) Coalition initiation grants; incentive bonuses.—~~

~~1. School readiness coalitions that are approved by the Florida Partnership for School Readiness by January 1, 2000, shall be eligible for a \$50,000 initiation grant to support the school readiness coalition in developing its school readiness plan.~~

~~2. School readiness coalitions that are approved by the Florida Partnership for School Readiness by March 1, 2000, shall be eligible for a \$25,000 initiation grant to support the school readiness coalition in developing its school readiness plan.~~

~~3. School readiness coalitions that have their plans approved by July 1, 2000, shall receive funding from the Florida Partnership for School Readiness in fiscal year 2000-2001, and each year thereafter.~~

~~4. Upon approval by the Florida Partnership for School Readiness of any coalition's plan that clearly shows enhancement in the quality and standards of the school readiness program without diminishing the number of children served in the program, the partnership shall award the coalition an incentive bonus, subject to appropriation.~~

~~5. In fiscal year 2000-2001, and each year thereafter, any increases in funding for school readiness programs shall be administered through school readiness coalitions.~~

~~6. In fiscal year 2001-2002, the Florida Partnership for School Readiness shall request proposals from government agencies and nonprofit corporations for the development and operation of a school readiness coalition in each county that does not have an approved coalition by March 1, 2001.~~

~~(g)(h) Evaluation and annual report.—~~Each school readiness coalition shall conduct an evaluation of the effectiveness of the school readiness program, including performance standards and outcome measures, and shall provide an annual report and fiscal statement to the Florida Partnership for School Readiness. This report must conform to the content and format specifications set by the Florida Partnership for School Readiness. The partnership must include an analysis of the coalition reports in its annual report.

(6) PROGRAM ELIGIBILITY.—The school readiness program shall be established for children under the age of kindergarten eligibility. Priority for participation in the school readiness program shall be given to children who meet one or more of the following criteria:

(a) Children under the age of kindergarten eligibility who are:

1. Children determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the Family Safety Program Office of the Department of Children and Family Services.

2. Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents.

3. Children of working families whose family income does not exceed 150 percent of the federal poverty level.

(b) Three-year-old children and 4-year-old children who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students.

(c) Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to 4 years of age, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

(d) Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of economically disadvantaged.

An "economically disadvantaged" child means a child whose family income is below 150 percent of the federal poverty level. Notwithstanding any change in a family's economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age.

(7) PARENTAL CHOICE.—

(a) The school readiness program shall provide parental choice pursuant to a purchase service order that ensures, to the maximum extent possible, flexibility in school readiness programs and payment arrangements. According to federal regulations requiring parental choice, a parent may choose an informal child care arrangement. The purchase order must bear the name of the beneficiary and the program provider and, when redeemed, must bear the signature of both the beneficiary and an authorized representative of the provider.

(b) If it is determined that a provider has provided any cash to the beneficiary in return for receiving the purchase order, the coalition or its fiscal agent shall refer the matter to the Division of Public Assistance Fraud for investigation.

(c) The Office of the Comptroller shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. School readiness coalitions shall fully implement the electronic funds transfer system within 2 years after plan approval unless a waiver is obtained from the partnership.

(8) STANDARDS; OUTCOME MEASURES.—All publicly funded school readiness programs shall be required to meet the performance standards and outcome measures developed and approved by the partnership. The Office of Program Policy Analysis and Government Accountability shall provide consultation to the partnership in the development of the measures and standards. These performance standards and outcome measures shall be adopted by June 1, 2000, and shall be applicable on a statewide basis.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(a) It is the intent of this section to establish an integrated and quality seamless service delivery system for all publicly funded early education and child care programs operating in this state.

(b) *Notwithstanding s. 20.50:*

1. *The Agency for Workforce Innovation shall administer school readiness funds, plans, and policies pursuant to contract with the Florida Partnership for School Readiness and shall prepare and submit a unified budget request for the school readiness program in accordance with chapter 216.*

2. *All instructions to local school readiness coalitions shall emanate from the Agency for Workforce Innovation pursuant to policies of the Legislature, plans of the Florida Partnership for School Readiness, and the contract between the Florida Partnership for School Readiness and the agency.*

(c) *The Agency for Workforce Innovation shall prepare a plan that provides for the distribution and expenditure of all state and federal school readiness funds for children participating in public or private school readiness programs based upon an equity and performance funding formula. The plan shall be submitted to the Governor and the Legislative Budget Commission. Upon approval, the Legislative Budget Commission shall authorize the transfer of funds to the Agency for Workforce Innovation for distribution in accordance with the provisions of the formula.*

~~(d)(h)~~ All state funds budgeted for a county for the programs specified in subsection (3), along with the pro rata share of the state administrative costs of those programs in the amount as determined by

the partnership, all federal funds and required local matching funds for a county for programs specified in subsection (3), and any additional funds appropriated or obtained for purposes of this section, shall be transferred for the benefit of the coalition for implementation of its plan, including the hiring of staff to effectively operate the coalition's school readiness program. As part of plan approval and periodic plan review, the partnership shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the plan, but total administrative expenditures shall not exceed 5 percent unless specifically waived by the partnership. The partnership shall annually report to the Legislature any problems relating to administrative costs.

~~(e) By February 15, 2000, the partnership shall present to the Legislature recommendations for combining funding streams for school readiness programs into a School Readiness Trust Fund. These recommendations must include recommendations for the inclusion or noninclusion of prekindergarten disabilities programs and funding.~~

~~(e)(d)~~ The partnership shall annually distribute all eligible funds as block grants to assist coalitions in integrating services and funding to develop a quality service delivery system. Subject to appropriation, the partnership may also provide financial awards to coalitions demonstrating success in merging and integrating funding streams to serve children and school readiness programs.

~~(f)(e)~~ State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses. ~~By February 15, 2000,~~ The partnership shall present to the Legislature recommendations for providing necessary transportation services for school readiness programs.

~~(g)(f)~~ All cost savings and all revenues received through a mandatory sliding fee scale shall be used to help fund the local school readiness program.

(10) SCHOOL READINESS UNIFORM SCREENING.—The Department of Education shall implement a school readiness uniform screening, including a pilot program during the 2001-2002 school year, to validate the system recommended by the Florida Partnership for School Readiness as part of a comprehensive evaluation design. Beginning with the 2002-2003 school year, the department shall require that all school districts administer the school readiness uniform screening to each kindergarten student in the district school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening adopted for use in first grade. The department shall incorporate school readiness data into the K-20 data warehouse for longitudinal tracking. Notwithstanding s. 228.093, the department shall provide the partnership and the Agency for Workforce Innovation with complete and full access to kindergarten uniform screening data at the student, school, district, and state levels in a format that will enable the partnership and the agency to prepare reports needed by state policymakers and local school readiness coalitions to access progress toward school readiness goals and provide input for continuous improvement of local school readiness services and programs.

~~(11)(40)~~ REPORTS.—The Office of Program Policy Analysis and Government Accountability shall assess the implementation, efficiency, and outcomes of the school readiness program and report its findings to the President of the Senate and the Speaker of the House of Representatives by January 1, 2002. Subsequent reviews shall be conducted at the direction of the Joint Legislative Auditing Committee.

~~(12)(41)~~ CONFLICTING PROVISIONS.—In the event of a conflict between the provisions of this section and federal requirements, the federal requirements shall control.

Section 21. *Notwithstanding any other provision of law to the contrary, minimum child care licensing standards shall be developed to provide for reasonable, affordable, and safe before-school and after-school care. Standards, at a minimum, shall allow for a credentialed director to supervise multiple before-school and after-school sites.*

Section 22. Effective January 1, 2002, paragraph (a) of subsection (6) and subsection (10) of section 216.136, Florida Statutes, are amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(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.~~

2.4. The Social Services Estimating Conference shall develop information relating to the Florida Kidcare program, including, but not limited to, outreach impacts, enrollment, caseload, utilization, and expenditure information that the conference determines is needed to plan for and project future budgets and the drawdown of federal matching funds. The agencies required to collect and analyze Florida Kidcare program data under s. 409.8134 shall be participants in the Social Services Estimating Conference for purposes of developing information relating to the Florida Kidcare program.

(10) SCHOOL READINESS PROGRAM ESTIMATING CONFERENCE.—

(a) Duties.—

1. The School Readiness Program Estimating Conference shall develop ~~such~~ estimates and forecasts of the ~~unduplicated count of children~~ ~~number of individuals~~ eligible for school readiness programs in accordance with the standards of eligibility established in ~~s. 411.01(6) 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.~~

~~2.3.~~ 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 Agency for Workforce Innovation*, 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.

Section 23. Effective January 1, 2002, paragraph (a) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 School attendance.—

(1)(a)1. All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who

are older than 6 years of age but who have not attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term.

2. Children who will have attained the age of 5 years on or before September 1 of the school year are eligible for admission to public kindergartens during that school year under rules prescribed by the school board.

~~3. Children who will have attained the age of 3 years on or before September 1 of the school year are eligible for admission to prekindergarten-early intervention programs during that school year as provided in s. 230.2305 or a preschool program as provided in s. 228.061.~~

Section 24. Effective January 1, 2002, paragraphs (b) and (c) of subsection (1) and subsection (4) of section 445.023, Florida Statutes, are amended to read:

445.023 Program for dependent care for families with children with special needs.—

(1) There is created the program for dependent care for families with children with special needs. This program is intended to provide assistance to families with children who meet the following requirements:

(b) The child or children are considered to be children with special needs as defined by the subsidized child care program authorized under s. 402.3015.

(c) The family meets the income guidelines established under s. 411.01(6) 402.3015. Financial eligibility for this program shall be based solely on the guidelines used for subsidized child care, notwithstanding any financial eligibility criteria to the contrary in s. 414.075, s. 414.085, or s. 414.095.

(4) In addition to school readiness child care services provided under s. 411.01 402.3015, dependent care may be provided for children age 13 years and older who are in need of care due to disability and where such care is needed for the parent to accept or continue employment or otherwise participate in work activities. The amount of subsidy shall be consistent with the rates for special needs child care established by the department. Dependent care needed for employment may be provided as transitional services for up to 2 years after eligibility for temporary cash assistance ends.

Section 25. Effective January 1, 2002, subsections (1) and (2) of section 228.061, paragraph (o) of subsection (4) of section 230.23, sections 230.2303, 230.2305, and 230.2306, Florida Statutes, are repealed.

Section 26. Effective January 1, 2002, section 402.28, subsection (1) of section 402.281, sections 402.3015, 402.3027, and 402.3028, subsection (18) of section 402.305, section 402.3052, paragraph (c) of subsection (2) of section 402.3135, and subsections (2) and (6) of section 402.45, Florida Statutes, are repealed.

Section 27. Effective January 1, 2002, paragraph (a) of subsection (1) of section 391.304 and section 411.222, Florida Statutes, are repealed.

Section 28. Section 228.082, Florida Statutes, is amended to read:

228.082 The Florida Virtual On-Line High School.—

(1)(a) The Florida Virtual On-Line High School is established for the development and delivery of on-line and distance learning education and shall be administratively housed within the Commissioner of Education's Office of Technology and Information Services. The Commissioner of Education shall monitor the school's performance and report its performance to the Florida Board of Education and the Legislature.

(b) The mission of the Florida Virtual High School is to provide students with high-quality technology-based educational opportunities to gain the knowledge and skills necessary to succeed in the 21st century. The school shall serve any student in the state who meets the profile for success in this educational delivery context and shall give priority to:

1. Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.

2. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

(c) To ensure students are informed of the opportunities offered by the Florida Virtual High School, the commissioner shall provide the board of trustees access to the records of public school students in a format prescribed by the board of trustees.

The board of trustees of the Florida Virtual High School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.

(2) The Florida Virtual On-Line High School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms, one of whom shall be the current chair of the Florida High School Advisory Board and one of whom shall be a representative of the fiscal agent, and one of whom shall be the Chief Information Officer or his designee from the State Technology Office pursuant to ch. 2000-164, Laws of Florida. The board shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida Virtual On-Line High School. The board of trustees shall have the following powers and duties:

(a)1. The board of trustees shall meet within 30 days of July 1, 2000, and shall continue to meet at least 4 times each year, upon the call of the chair, or at the request of a majority of the membership.

~~(b) Until not more than 60 days after the initial meeting of the board, the current governance structure of the Florida On-Line High School shall be maintained.~~

2.(e) The fiscal year for the Florida Virtual On-Line High School shall be the state fiscal year as provided in s. 216.011(1)(n).

(b) The board of trustees shall be responsible for the Florida Virtual High School's development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and capable of sustaining a self-sufficient delivery system through the Florida Education Finance Program, by fiscal year 2003-2004. Beginning in fiscal year 2001-2002, the school shall collect and report data for all students served and credit awarded. This data shall be segregated by private, public, and home school students by program. Information shall also be collected which reflects any other school in which a virtual high school student is enrolled.

~~(c)(d)~~ The board of trustees shall aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with distance learning providers. The board of trustees and may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be used to support the school's research and development activities in order to improve courseware and services to its students.

(d)(e) The board of trustees shall annually prepare and submit to the Florida Board of Education a legislative budget request, including funding requests for computers for public school students who do not have access to public school computers, in accordance with chapter 216 and s. 235.41. The legislative budget request of the Florida Virtual On-Line High School shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education.

(e)(~~f~~) In accordance with law and rules of the Florida Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida Virtual ~~On-Line~~ High School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board for the Florida Virtual ~~On-Line~~ High School as academic administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

3. The employment of all Florida Virtual ~~On-Line~~ High School academic administrative and instructional personnel shall be subject to rejection for cause by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida Virtual ~~On-Line~~ High School shall be entitled to a contract as provided by rules of the board.

5. All employees except temporary, seasonal, and student employees may be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption. In the event that the board of trustees assumes responsibility for governance pursuant to this section before approval is obtained, employees shall be compensated pursuant to the system in effect for the employees of the fiscal agent.

(f)(~~g~~) The board of trustees shall establish priorities for admission of students in accordance with paragraph (1)(b).

(g)(~~h~~) The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students into courses offered by the Florida Virtual ~~On-Line~~ High School. Such procedures shall be designed to minimize paperwork and fairly resolve the issue of double funding students taking courses online maximize participation by students.

(h)(~~i~~) The board of trustees shall annually submit to the Florida Board Department of Education both forecasted and actual enrollments for the Florida Virtual ~~On-Line~~ High School, according to procedures established by the Florida Board Department of Education. At a minimum, such procedures must include the number of public, private, and home school students served by district.

(i)(~~j~~) The board of trustees shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 228.093. Employee records shall be subject to the provisions of s. 231.291.

(j)(~~k~~) The financial records and accounts of the Florida Virtual ~~On-Line~~ High School shall be maintained under the direction of the board of trustees and under regulations prescribed by the Florida State Board of Education for the uniform system of financial records and accounts for the schools of the state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida Virtual ~~On-Line~~ High School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law and rules of the Florida Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida Virtual ~~On-Line~~ High School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

(3)(a) Until fiscal year 2003-2004, the Commissioner of Education shall include the Florida Virtual ~~On-Line~~ High School as a grant-in-aid appropriation in the department's legislative budget request to the Florida State Board of Education, the Governor, and the Legislature,-

(a) subject to any guidelines imposed in the General Appropriations Act, funds for the operation of the Florida ~~On-Line~~ High School shall be requested and appropriated within the Department of Education as a grant-in-aid category until such time as the Legislature authorizes a different funding mechanism.

(b) The Orange County District School Board shall be the temporary fiscal agent of the Florida Virtual ~~On-Line~~ High School.

(c) ~~Priorities for the delivery of services by the Florida ~~On-Line~~ High School shall ensure that priority access is provided equitably across the state.~~

(4) Under no circumstance may the credit of the state be pledged on behalf of the Florida Virtual ~~On-Line~~ High School.

(5) ~~By January 1, 2001,~~ The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the Florida Board of Education Reorganization Transition Commission a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida Virtual ~~On-Line~~ High School.

(b) The marketing and operational plan for the Florida Virtual ~~On-Line~~ High School, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida Virtual ~~On-Line~~ High School at the end of the fiscal year.

(d) A copy of an annual financial and compliance audit of the accounts and records of the Florida Virtual ~~On-Line~~ High School, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(e) Recommendations regarding the unit cost of providing services to students. In order to most effectively develop public policy regarding any future funding of the Florida Virtual ~~On-Line~~ High School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data and reflect the costs associated with maintaining a state-of-the-art on-line high school, including the costs associated with maintaining a high quality research and development effort to locate and assimilate, or develop, Internet-based courses.

(f) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual ~~On-Line~~ High School.

(6) The Auditor General may, pursuant to his or her own authority, or at the direction of the Joint Legislative Auditing Committee, conduct an audit of the Florida *Virtual On-Line High School*.

(7) The *Florida State Board of Education* may adopt rules it deems necessary to implement reporting requirements for the Florida *Virtual On-Line High School*.

Section 29. *The Department of Education shall maximize the available federal indirect cost allowed on all federal grants. Beginning with the 2002-2003 fiscal year, none of the funds received from indirect cost allowance shall be expended by the department without specific appropriation by the Legislature. Funds received pursuant to s. 240.241, Florida Statutes, are specifically exempt from this provision.*

Section 30. *Effective June 30, 2002, section 229.8065, Florida Statutes, is repealed.*

Section 31. *Effective July 1, 2002, subsection (2) of section 229.085, Florida Statutes, is amended to read:*

229.085 Custody of educational funds.—

(2) There is created in the Department of Education the Projects, Contracts, and Grants Trust Fund. ~~If, in executing the terms of such grants or contracts for specific projects, the employment of personnel shall be required, such personnel shall not be subject to the requirements of s. 216.262(1)(a).~~ The personnel employed to plan and administer *grants or contracts for specific such projects* shall be considered in time-limited employment not to exceed the duration of the grant or until completion of the project, whichever first occurs. Such employees shall not acquire retention rights under the Career Service System, the provisions of s. 110.051(1) to the contrary notwithstanding. Any employee holding permanent career service status in a Department of Education position who is appointed to a position under the Projects, Contracts, and Grants Trust Fund shall retain such permanent status in the career service position.

Section 32. *Subsection (6) of section 240.205, Florida Statutes, is amended to read:*

240.205 Board of Regents incorporated.—The Board of Regents is hereby created as a body corporate with all the powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:

(6) Acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. ~~The board may also acquire the same commodities, goods, equipment, contractual services, leases, and construction for use by a university when the contractual obligation exceeds \$1 million.~~ Title to all real property, however acquired, shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, the Board of Regents shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.

Section 33. *Subsections (2), (4), and (5), paragraphs (b), (c), and (d) of subsection (1), and paragraphs (a), (c), (d), and (e) of subsection (3) of section 235.217, Florida Statutes, are repealed.*

Section 34. *Sections 240.145, 240.147, 240.227, 240.307, subsection (2) of section 240.209, and subsection (4) of section 240.311, Florida Statutes, are repealed.*

Section 35. *Section 240.3836, Florida Statutes, is amended to read:*

240.3836 Site-determined baccalaureate degree access ~~program; funding.~~—

(1) The Legislature recognizes that public and private postsecondary education institutions play essential roles in improving the quality of

life and economic well-being of the state and its residents. The Legislature also recognizes that economic development needs and the educational needs of place-bound, nontraditional students have increased the demand for local access to baccalaureate degree programs. In some, but not all, geographic regions, baccalaureate degree programs are being delivered successfully at the local community college through agreements between the community college and 4-year postsecondary institutions within or outside of the state. It is therefore the intent of the Legislature to further expand access to baccalaureate degree programs through the use of community colleges ~~apply this concept in the creation and funding of a program that supports local economic development and responds to public demand for increased access to baccalaureate degrees in areas of the state that are underserved by 4 year institutions.~~

(2) *A community college may be authorized by the Florida Board of Education to offer a limited number of baccalaureate degrees designed to meet local workforce needs through one of the following processes:*

(a) *A community college may enter into a formal agreement with the state university in its service area for the community college to deliver specified baccalaureate degree programs. The agreement must be submitted to the Florida Board of Education for approval. The community college's proposal must include the following information:*

1. *Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.*

2. *Unmet need for graduates of the proposed degree program is substantiated.*

3. *The community college has the facilities and academic resources to deliver the program.*

The proposal must be submitted to the Council for Education Policy Research and Improvement for review and comment. Upon approval of the Florida Board of Education for the specific degree program or programs, the community college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the community college wishes to offer must be approved by the Florida Board of Education.

(b) *A community college may develop a proposal to deliver specified baccalaureate degree programs in its district. The proposal must be submitted to the Florida Board of Education for approval. The community college's proposal must include the following information:*

1. *Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.*

2. *Unmet need for graduates of the proposed degree program is substantiated.*

3. *The community college has the facilities and academic resources to deliver the program.*

The proposal must be submitted to the Council for Education Policy Research and Improvement for review and comment. Upon approval of the Florida Board of Education for the specific degree program or programs, the community college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the community college wishes to offer must be approved by the Florida Board of Education.

(3) *A community college may not terminate its associate in arts or associate in science degree programs as a result of the authorization provided in subsection (2). The Legislature intends that the primary mission of a community college, including a community college that offers baccalaureate degree programs, continues to be the provision of associate degrees that provide access to a university.*

~~(2) Categorical funding is authorized for the site-determined baccalaureate degree access program created by this section. Funds may~~

not be used to support the construction, renovation, or remodeling of facilities. This program is voluntary and does not preclude other mutually agreed upon arrangements between community colleges and 4-year institutions for the delivery of baccalaureate degrees on community college sites.

(3) Each community college wishing to participate in the site-determined baccalaureate degree access program must:

(a) Identify baccalaureate degree programs that are not currently offered at the community college but are proposed for delivery at the college to meet the academic and economic development needs of one or more communities within the college's service area. When assessing local needs, the college should seek input from the appropriate chamber of commerce, workforce development council, and other civic and business groups. As used in this section, the term "economic development" means entrepreneurial efforts, the attraction of new business and industry to the area, and the expansion of existing business and industry.

(b) Determine the number of students interested in pursuing each proposed baccalaureate degree program and identify the enrollment patterns, any special characteristics of those students, and any unique combination or modification of course offerings that may be necessary to meet student enrollment needs.

(c) Submit a proposal to the Postsecondary Education Planning Commission requesting validation of the need for the proposed baccalaureate degree program and tentative approval for program funding. The proposal must include:

1. A description of each proposed baccalaureate degree program identifying the junior level and senior level courses to be offered and designating whether the program should be offered for a cohort group or as an ongoing degree program.

2. Evidence that local occupational forecasts support the existence of jobs for graduates of the proposed baccalaureate degree programs.

3. An estimated number of students to be served by each proposed degree program.

4. An assurance that the community college's existing facilities are sufficient to meet the additional demands for classroom and laboratory space for the proposed degree programs.

5. Evidence that the college has requested the participation of no fewer than three regionally accredited 4-year postsecondary institutions, including at least one member of the State University System. Any member of the State University System and any independent, regionally accredited, 4-year institution that is chartered in, and has its primary campus located in, Florida may be a partner in a site-determined baccalaureate degree access program at any community college.

6. A tentative agreement between the community college and the 4-year postsecondary institution selected to offer the upper-level courses leading to the proposed degree or degrees.

7. Any additional provisions that the Postsecondary Education Planning Commission considers pertinent to the proposal.

(4) The Postsecondary Education Planning Commission, after soliciting comments from the Board of Regents and the State Board of Community Colleges, shall validate the need for each baccalaureate degree program proposed for delivery according to this section and shall notify the community college that its proposal has been approved or rejected. The commission shall establish procedures for the timely submission, review, and approval of the proposals and agreements required by this section. These procedures must be designed to allow the initiation of approved baccalaureate degree programs at least 3 times each fiscal year.

(5) Once the Postsecondary Education Planning Commission validates the need for the proposed baccalaureate degree program and notifies the community college that its proposal has been approved, the

community college shall finalize an agreement with the regionally accredited, public or nonpublic, 4-year postsecondary institution selected to provide the upper-level instructional services in the approved baccalaureate degree program. The commission shall identify the common aspects that each agreement must address, including, but not limited to:

(a) A course delivery pattern based on the student enrollment patterns and characteristics included in the approved proposal.

(b) An articulation provision that guarantees acceptance of students who hold an associate in arts or associate in science degree and satisfy any other prerequisites for admission to the specific baccalaureate degree program.

(c) The provision of library services and student support services.

(d) An agreement that the participating 4-year postsecondary institution will continue offering instructional services at least until all qualified members of the initial group of students have had an opportunity to complete the degree program.

(e) The specific and measurable performance criteria that the Postsecondary Education Planning Commission may use to evaluate the outcomes and outputs of the baccalaureate degree program within an identified timeframe.

(f) An agreement that in-state student tuition for the degree program will not exceed the matriculation fee for the State University System unless the proposal approved by the Postsecondary Education Planning Commission allows the participating institutions to charge differentiated tuition and fees to encourage student attendance and participation. Out of state students shall pay full costs. Notwithstanding s. 240.605, students participating in a site-determined baccalaureate degree program may not receive a Florida Resident Access Grant.

(6) Each participating community college must submit the agreement required by this section to the Postsecondary Education Planning Commission for review and final approval before initiating an approved site-determined baccalaureate degree access program. Subject to the availability of legislative appropriations specifically provided for this purpose, the Postsecondary Education Planning Commission must recommend to the Commissioner of Education the total funds to be released to each participating community college for the initiation of the approved site-determined baccalaureate degree access program. The community college shall distribute funds to the participating 4-year postsecondary institution at the rate specified in the approved agreement. The Postsecondary Education Planning Commission shall not recommend the release of funding for any program that is terminated before or after the evaluation required by this section. The total funds to be released for the initiation of an approved program shall be based on the number of fundable upper-level student credit hours for each term. Unless otherwise provided in an appropriations act, the funding per credit hour shall be an amount equal to the state funds, excluding student fees, appropriated to the State University System for each full-time equivalent student enrolled in upper-level course work. Student credit hours funded under this program may not be duplicated in any other calculation of state funding for the 4-year institution.

(7) The Postsecondary Education Planning Commission may require the participating community colleges and 4-year postsecondary institutions to submit information necessary to monitor the annual performance of the program. Within 90 days after the 2nd and 4th year of the site-determined baccalaureate degree access program, the commission shall submit to the chairs of the education and fiscal committees of the Legislature a progress report, including an evaluation of the funding mechanism created by this section. The commission shall review each site-determined baccalaureate degree access program funded under this section to ascertain whether the performance measures specified in the agreement between the participating community college and the 4-year institution have been met. Each program must be reviewed 4 years after initiation unless a shorter timeframe is specified in the agreement. The performance measures

~~must include the student graduation rate, the employment rate of program graduates both within and outside the community college service area, the continuing need to offer the specific baccalaureate degree program in the community college service area, and such other information as the Postsecondary Education Planning Commission may determine necessary for program and performance evaluation. Based on its evaluation, the commission shall either approve continuation of the program, require modifications prior to program approval, or recommend that the participating institutions terminate the program after all qualified members of the initial group of students have an opportunity to complete the degree program. The commission must submit to the Commissioner of Education for inclusion in the legislative budget a request for funding for approved site-determined baccalaureate degree access programs.~~

~~(8) If no accredited 4-year institution is willing to provide a baccalaureate degree program approved by the Postsecondary Education Planning Commission under this section, the community college board of trustees may ask the commission to evaluate the college's request to offer the degree program. If the commission is satisfied that the community college should offer the degree program, it shall recommend to the Legislature the enactment of statutory authority for the community college to offer that specific baccalaureate degree program.~~

Section 36. Effective July 1, 2001, subsection (5) of section 240.2011, Florida Statutes, is amended, and subsection (12) is added to said section, to read:

240.2011 State University System defined.—The State University System shall consist of the following:

(5) The University of South Florida, with a main campus located in Hillsborough County and two fiscally autonomous campuses, one in Pinellas County, named the University of South Florida St. Petersburg, and the other named the University of South Florida Sarasota/Manatee.

(12) New College of Florida, located in Sarasota County, which is the 4-year residential liberal arts honors college of the State of Florida.

Section 37. Section 240.527, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 240.527, F.S., for present text.)

240.527 The University of South Florida St. Petersburg.—

(1) The St. Petersburg campus of the University of South Florida is established and shall be known as the "University of South Florida St. Petersburg."

(a) The Legislature intends that the University of South Florida St. Petersburg be operated and maintained as a separate organizational and budget entity of the University of South Florida, and that all legislative appropriations for the University of South Florida St. Petersburg be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida St. Petersburg shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than the effective date of this act, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida St. Petersburg. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, five residents of Pinellas County. If a resident of Pinellas County is appointed to the Board of Trustees of the University of South Florida, the board shall appoint that member to serve jointly as a member of the Campus Board. If more than one Pinellas County resident is appointed to the Board of Trustees, the board shall select one joint member. The Board of Trustees may reappoint a member

to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Legislature for the University of South Florida St. Petersburg campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the St. Petersburg campus cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the St. Petersburg campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida St. Petersburg shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) The following entities are not affected by this section and remain under the administrative control of the University of South Florida:

(a) *The University of South Florida College of Marine Science, which is a component college of the main campus.*

(b) *The Florida Institute of Oceanography, which is a Type One Institute.*

(c) *The University of South Florida Pediatric Research Center.*

(d) *The University of South Florida/USGS joint facility.*

Section 38. *The University of South Florida Sarasota/Manatee.—*

(1) *The Sarasota/Manatee campus of the University of South Florida is established and shall be known as the “University of South Florida Sarasota/Manatee.”*

(a) *The Legislature intends that the University of South Florida Sarasota/Manatee be operated and maintained as a separate organizational and budget entity of the University of South Florida and that all legislative appropriations for the University of South Florida Sarasota/Manatee be set forth as separate line items in the annual General Appropriations Act.*

(b) *The University of South Florida Sarasota/Manatee shall have a Campus Board and a Campus Executive Officer.*

(c) *As soon as possible, but no later than July 1, 2002, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida Sarasota/Manatee. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.*

(2) *The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, three residents of Manatee County and two residents of Sarasota County, to serve 4-year staggered terms. If one or more residents of Sarasota County or Manatee County are appointed to the Board of Trustees of the University of South Florida, the board shall, at the next vacancy of the Campus Board, appoint one of those members to serve jointly as a member of the Campus Board. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:*

(a) *Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.*

(b) *Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Legislature for the University of South Florida Sarasota/Manatee campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.*

(c) *Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the campus at Sarasota/Manatee cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida’s main campus and the Sarasota/Manatee campus.*

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting

in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) *The University of South Florida Sarasota/Manatee shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:*

(a) *Administer campus operations within the annual operating budget as approved by the Campus Board.*

(b) *Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.*

(c) *Recommend to the Campus Board an annual campus operating budget.*

(d) *Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.*

(e) *Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.*

(4) *Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.*

(5) *Promote technology transfer between the research operations of the University of South Florida and local economic development agencies.*

Section 39. *New College of Florida.—*

(1) **MISSION AND GOALS.**—*As a member of the State University System of Florida, New College of Florida preserves its distinctive mission as a residential liberal arts honors college. To maintain this mission, New College of Florida has the following goals:*

(a) *To provide a quality education to students of high ability who, because of their ability, deserve a program of study that is both demanding and stimulating.*

(b) *To engage in undergraduate educational reform by combining educational innovation with educational excellence.*

(c) *To provide programs of study that allow students to design their educational experience as much as possible in accordance with their individual interests, values, and abilities.*

(d) *To challenge undergraduates not only to master existing bodies of knowledge but also to extend the frontiers of knowledge through original research.*

(2) **ACCREDITATION.**—*As soon as possible, New College of Florida shall apply to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation.*

(3) **BOARD OF TRUSTEES.**—*The Governor shall appoint 12 members to the Board of Trustees, to serve 4-year staggered terms, as follows:*

(a) *Three residents of Sarasota County.*

(b) *Two residents of Manatee County.*

(c) *Until the expiration date of the terms of office of the members who are on the board June 30, 2001, seven members selected from the Board of Trustees of the New College Foundation.*

In addition, a student body president shall be a voting member of the board.

Section 40. *St. Petersburg College.—*

(1) **LEGISLATIVE INTENT.**—*The Legislature intends to create an innovative means to increase access to baccalaureate degree level education in populous counties that are underserved by public baccalaureate degree granting institutions. This education is intended to address the state's workforce needs, especially the need for teachers, nurses, and business managers in agencies and firms that require expertise in technology.*

(2) **ST. PETERSBURG COLLEGE; MISSION; POLICIES.**—*St. Petersburg Junior College is redesignated as St. Petersburg College. The college shall immediately seek accreditation from the Southern Association of Colleges and Schools as a baccalaureate degree granting college.*

(a) *The primary mission of St. Petersburg College is to provide high-quality undergraduate education at an affordable price for students and the state. The purpose is to promote economic development by preparing people for occupations that require a bachelor's degree and are in demand by existing or emerging public and private employers in this state.*

(b) *St. Petersburg College shall maintain the mission and policies of a Florida community college, including the open-door admissions policy and the authority to offer all programs consistent with a public community college's authority.*

(c) *St. Petersburg College shall maintain the distinction between the college and its university center. St. Petersburg College is limited to community college programs and to selected baccalaureate degree level programs that meet community needs and are authorized as provided by this section. The University Center may make available more diverse program offerings, but those programs are offered by a participating college or university and are not to be classified or funded as programs of St. Petersburg College.*

(d) *The academic policies of the upper-division program at St. Petersburg College must be in accordance with policies of the State University System.*

(e) *Sections 240.293 and 240.2945, Florida Statutes, apply to St. Petersburg College.*

(3) **STUDENTS; FEES.**—

(a) *St. Petersburg College shall maintain separate records for students who are enrolled in courses classified in the upper division and lower division of a baccalaureate program, according to the common course numbering and designation system. A student shall be reported as a community college student for enrollment in a lower-division course and as a baccalaureate degree program student for enrollment in an upper-division course.*

(b) *The Board of Trustees of St. Petersburg College shall establish the level of matriculation, tuition, and other authorized student fees.*

1. *For each credit hour of enrollment in a certificate level course or lower-division level college credit course, matriculation and tuition fees must be within the range authorized in law and rule for a community college student at that level.*

2. *For each credit hour of enrollment in an upper-division level course, matriculation and tuition fees must be in an amount established by the Board of Trustees of St. Petersburg College. However, fees for upper-division students must reflect the fact that the college does not incur the costs of major research programs. Therefore, the board shall establish fees for upper-division students within a range that is lower*

than the fees established for students at a public university but higher than the fees for community college students.

3. *Other mandatory fees and local fees must be at the same level for all lower-division students. For upper-division students, other mandatory fees and local fees must be at a level less than fees established for University of South Florida students, regardless of program enrollment or level. However, students in workforce development education courses maintain the authorized fee exemptions described in s. 239.117, Florida Statutes, and may be exempt from local fees imposed by the Board of Trustees, at the board's discretion.*

(4) **DEGREES.**—

(a) *In addition to the certificates, diplomas, and degrees authorized in s. 240.301, Florida Statutes, St. Petersburg College may offer selected baccalaureate degrees. Initially, the college may offer programs that lead to a baccalaureate degree in the following fields:*

1. *Bachelor of Science in Nursing. This program must be designed to articulate with the associate in science degree in nursing. St. Petersburg College shall continue to offer the associate in science degree in nursing.*

2. *Bachelor of Arts and Bachelor of Science in Elementary Education.*

3. *Bachelor of Arts and Bachelor of Science in Special Education.*

4. *Bachelor of Arts and Bachelor of Science in Secondary Education.*

5. *Bachelor of Applied Science in fields selected by the Board of Trustees of St. Petersburg College. The Board of Trustees shall base the selection on an analysis of workforce needs and opportunities in the following counties: Pinellas, Pasco, Hernando, and other counties approved by the Florida Department of Education. For each program selected, St. Petersburg College must offer a related associate in science or associate in applied science degree program, and the baccalaureate degree level program must be designed to articulate fully with at least one associate in science degree program. The college is encouraged to develop articulation agreements for enrollment of graduates of related associate in applied science degree programs.*

(b) *St. Petersburg College may offer courses that enable teachers to qualify for certification and recertification as required by law or rule.*

(c) *St. Petersburg College may offer programs to provide opportunities for a person who holds a baccalaureate degree, but is not certified to teach, to obtain any additional courses required for teacher certification.*

(d) *Master's degree level programs and doctoral programs may be provided by agreement with a college or university participating in the University Center of St. Petersburg College.*

(e) *For those students living outside Pinellas County, St. Petersburg College shall recruit for the upper-division only those students who have earned an associate degree. In recruiting upper-division students in Pasco and Hernando Counties, St. Petersburg College shall work cooperatively with Pasco-Hernando Community College and shall seek to offer courses and programs at Pasco-Hernando Community College when feasible. The nursing programs, in particular, must be conducted cooperatively, and programs at St. Petersburg College shall not conflict with Pasco-Hernando Community College's and the University of South Florida's cooperative nursing program.*

(5) **BOARDS.**—

(a) *The Board of Trustees of St. Petersburg Junior College is renamed the Board of Trustees of St. Petersburg College and serves as its governing board. The Governor shall appoint members as provided in s. 240.313, Florida Statutes, and the board has the duties and authorities granted in ss. 240.315 and 240.319, Florida Statutes, and by rules of the Florida Board of Education.*

(b) *The Board of Trustees of St. Petersburg College may authorize direct-support organizations as authorized in ss. 240.299 and 240.331, Florida Statutes.*

(c) *The Board of Trustees of St. Petersburg College may continue to award degrees, diplomas, and certificates as authorized for St. Petersburg Junior College, and in the name of St. Petersburg Junior College, until St. Petersburg College receives its accreditation.*

(d) *A coordinating board shall assist the Board of Trustees in its deliberations concerning issues that affect the upper-division of St. Petersburg College. The coordinating board consists of the President of the University of South Florida, the President of St. Petersburg College, the President of Pasco-Hernando Community College, and the chairs of the boards of trustees of those institutions.*

(e) *Beginning 4 years after the college receives accreditation to offer baccalaureate degrees, the Board of Trustees of St. Petersburg College may determine additional programs to be offered, with the approval of the coordinating board. The determination must consider community needs and economic opportunities.*

(f) *The coordinating board shall meet at the request of the President of the University of South Florida or the President of St. Petersburg College.*

(g) *If the coordinating board cannot decide an issue of importance to the programs designed for upper-division students, the chief educational officer of this state shall resolve the issue.*

(6) **EMPLOYEES.—**

(a) *Employment at St. Petersburg College is governed by the same laws that govern community colleges, except that upper-division faculty are eligible for continuing contracts upon the completion of the fifth year of teaching.*

(b) *Employee records for all personnel shall be maintained as required by s. 240.337, Florida Statutes.*

(7) **FACILITIES.—***St. Petersburg College may request funding from the Public Education Capital Outlay and Debt Service Trust Fund as a community college and as a university. The municipalities in Pinellas County, the Board of County Commissioners of Pinellas County, and all other governmental entities are authorized to cooperate with the Board of Trustees of St. Petersburg College in establishing this institution. The acquisition and donation of lands, buildings, and equipment for the use of St. Petersburg College are authorized as a public purpose. The Board of County Commissioners of Pinellas County and all municipalities in Pinellas County may exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of St. Petersburg College, regardless of whether such lands, buildings, and equipment are located in a community redevelopment area.*

(8) **STATE FUNDING.—**

(a) *The Legislature intends to fund St. Petersburg College as a community college for its workforce development education programs and for its lower-division level college credit courses and programs.*

(b) *The Legislature intends to fund St. Petersburg College as a baccalaureate degree level institution for its upper-division level courses and programs.*

(c) *During the 2001-2002 fiscal year, St. Petersburg College shall estimate the appropriate level of funding for these programs. By March 1, 2002, the college shall complete a cost study and shall submit to the Legislature a proposal for cost accounting and legislative budget requests designed to acknowledge its unique classification. The cost study must indicate actual costs projected for the first 4 years of operation as a baccalaureate degree level institution, with the first students expected to enroll in the upper division in the fall semester of 2002.*

Section 41. *Nothing contained within this act shall be construed to adversely impact the accreditation of the University of South Florida.*

Section 42. **Florida Bright Futures Scholarship Testing Program.—**

(1) *By January 1, 2002, the Articulation Coordinating Committee shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level*

Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the Articulation Coordinating Committee shall identify such courses in the general education core curriculum of each state university and community college.

(2) *Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these examinations unless the award of credit duplicates credit already awarded. Community colleges and universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.*

(3) *Beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, students eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement.*

(4) *Initial award recipients for the 2001-2002 academic year who are eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award and who are admitted to and enroll in a community college or state university may choose, prior to registering for courses that may be earned through CLEP examination, to complete up to five CLEP examinations, one in each of the following areas: English; humanities; mathematics; natural sciences; and social sciences.*

(5) *Each community college and state university shall pay for the CLEP examinations required pursuant to this section from the funds appropriated from the Educational Enhancement Trust Fund. Institutions shall pay no more than \$46 per examination for the program, which shall include access to a student guide to prepare for the test. The Department of Education shall negotiate with the College Board for a reduced rate for the examinations. The institution shall not charge the student for preparation and administration of the test, access to a student guide to prepare for the test, or recordkeeping and reporting of each student's test results to the department.*

(6) *The credit awarded pursuant to this section shall apply toward the 120 hours of college credit required pursuant to s. 240.115(6).*

(7) *The maximum number of credit hours for which a student is eligible to receive a Florida Bright Futures Scholarship Program award shall be reduced by the number of hours for which credit is awarded pursuant to this section.*

(8) *Beginning with the 2002-2003 award recipients, the Department of Education shall track and annually report on the effectiveness of the program, and include information on the number of students participating in the program; the CLEP examinations taken and the passage rate of Florida Academic Scholars and Florida Medallion Scholars award recipients; the use of Advanced Placement and International Baccalaureate examinations and dual enrollment courses to satisfy the requirements of the program; and the course credit provided.*

Section 43. *Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.551, Florida Statutes, shall not stand repealed on January 7, 2003, and is reenacted and amended to read:*

240.551 **Florida Prepaid College Program.—**

(1) **LEGISLATIVE INTENT.—***The Legislature recognizes that educational opportunity at the postsecondary level is a critical state*

interest. It further recognizes that educational opportunity is best ensured through the provision of postsecondary institutions that are geographically and financially accessible. Accordingly, it is the intent of the Legislature that a program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment. It is similarly the intent of the Legislature to provide a program that fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees.

(2) DEFINITIONS.—

(a) “Advance payment contract” means a contract entered into by the board and a purchaser pursuant to this section.

(b) “Board” means the Florida Prepaid College Board.

(c) “Fund” means the Florida Prepaid College Trust Fund.

(d) “Program” means the Florida Prepaid College Program.

(e) “Purchaser” means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(f) “Qualified beneficiary” means:

1. A resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident;

2. A nonresident who is the child of a noncustodial parent who is a resident of this state at the time that such parent enters into an advance payment contract on behalf of the child; or

3. For purposes of advance payment contracts entered into pursuant to subsection (22), a graduate of an accredited high school in this state who is a resident of this state at the time he or she is designated to receive the benefits of the advance payment contract.

(g) “Registration fee” means matriculation fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(h) “State postsecondary institution” means any community college identified in s. 240.3031 or university identified in s. 240.2011.

(3) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.—There is created a Florida Prepaid College Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(4) FLORIDA PREPAID COLLEGE TRUST FUND.—There is created within the State Board of Administration the Florida Prepaid College Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47. Dividends, interest, and gains accruing to the trust fund shall increase the total funds available for the program. Notwithstanding the provisions of chapter 717, funds associated with terminated contracts pursuant to subsection (12) and canceled contracts for which no refunds have been claimed shall increase the total funds available for the program. However, the board shall establish procedures for notifying purchasers who subsequently cancel their contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall

be available for carrying out the purposes of the program. In the event that dividends, interest, and gains exceed the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10. Any funds of a direct-support organization created pursuant to subsection (22) shall be exempt from the provisions of this subsection.

(5) PROGRAM ADMINISTRATION.—

(a) The Florida Prepaid College Program shall be administered by the Florida Prepaid College Board as an agency of the state. The Florida Prepaid College Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. For the purposes of s. 6, Art. IV of the State Constitution, the board shall be assigned to and administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in this section.

(b) The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, the Comptroller, the Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(c) The board shall annually elect a board member to serve as chair and a board member to serve as vice chair and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chair.

(6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.—The board shall:

(a) Appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him or her by the board.

(b) Administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(c) Establish a comprehensive investment plan for the purposes of this section with the approval of the State Board of Administration. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity,

savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund, and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.

(d) Solicit proposals and contract, pursuant to s. 287.057, for the marketing of the Florida Prepaid College Program. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.

(e) Solicit proposals and contract, pursuant to s. 287.057, for a trustee services firm to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.
2. Capability to execute program responsibilities within time and regulatory constraints.
3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.
4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.
5. Adequacy of technical assistance and services proposed for staff.
6. Adequacy of a management system for evaluating and improving overall trustee services to the program.
7. Adequacy of facilities, equipment, and electronic data processing services.
8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.

(f) Solicit proposals and contract, pursuant to s. 287.057, for product providers to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations

of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.
 2. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.
 3. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.
 4. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.
- (7) FLORIDA PREPAID COLLEGE BOARD; POWERS.—The board shall have the powers necessary or proper to carry out the provisions of this section, including, but not limited to, the power to:
- (a) Adopt an official seal and rules.
 - (b) Sue and be sued.
 - (c) Make and execute contracts and other necessary instruments.
 - (d) Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.
 - (e) Invest funds not required for immediate disbursement.
 - (f) Appear in its own behalf before boards, commissions, or other governmental agencies.
 - (g) Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.
 - (h) Require a reasonable length of state residence for qualified beneficiaries.

(i) Restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(j) Segregate contributions and payments to the fund into various accounts and funds.

(k) Contract for necessary goods and services, employ necessary personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for administrative or technical assistance.

(l) Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of this section.

(m) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis.

(n) Procure insurance against any loss in connection with the property, assets, and activities of the fund or the board.

(o) Impose reasonable time limits on use of the tuition benefits provided by the program. However, any such limitation shall be specified within the advance payment contract.

(p) Delineate the terms and conditions under which payments may be withdrawn from the fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract.

(q) Provide for the receipt of contributions in lump sums or installment payments.

(r) Require that purchasers of advance payment contracts verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests, or contract changes of any nature. Verification shall be accomplished as authorized and provided for in s. 92.525(1)(a).

(s) Delegate responsibility for administration of the comprehensive investment plan required in paragraph (6)(c) to a person the board determines to be qualified. Such person shall be compensated by the board. Directly or through such person, the board may contract with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

(t) Endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers and beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.

(u) Solicit proposals and contract, pursuant to s. 287.057, for the services of a records administrator. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.

3. Sufficient staff and computer capability for the scope and level of service expected by the board.

4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.

(v) Establish other policies, procedures, and criteria to implement and administer the provisions of this section.

(w) Adopt procedures to govern contract dispute proceedings between the board and its vendors.

(8) **QUALIFIED STATE TUITION PROGRAM STATUS.**—Notwithstanding any other provision of this section, the board may adopt rules necessary to enable the program to retain its status as a “qualified state tuition program” in order to maintain its tax exempt status or other similar status of the program, purchasers, and qualified beneficiaries under the Internal Revenue Code of 1986, as defined in s. 220.03(1). The board shall inform purchasers of changes to the tax or securities status of contracts purchased through the program.

(9) **PREPAID COLLEGE PLANS.**—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.

(a)1. Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.35, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. The cost of purchasing such fees shall be based primarily on the average current and projected fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of the beneficiary and the exercise of benefits provided in the plan by such beneficiary. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.235(1), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. The costs of purchasing such fees shall be based primarily on the average current and projected cost of these fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of the qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls.

Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.—A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) Any eligible independent college or university. An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the *Accrediting Council for Independent Colleges and Schools Accrediting Commission of the Association of Independent Colleges and Schools*, and that confers degrees as defined in s. 246.021, is eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract ~~at a state postsecondary institution or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee.~~ If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract ~~at within~~ a state postsecondary institution. If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount

transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an "eligible educational institution" under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(11) ADVANCE PAYMENT CONTRACTS; CONTENTS.—The board shall construct advance payment contracts for registration and may construct advance payment contracts for dormitory residence as provided in this section. Advance payment contracts constructed for the purposes of this section shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:

(a) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

(b) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

(c) Provisions for late payment charges and for default.

(d) Provisions for penalty fees for withdrawals from the fund.

(e) Except for an advance payment contract entered into pursuant to subsection (22) or subsection (23), the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(f) The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(g) The terms and conditions under which a contract may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

(h) The number of semester credit hours or semesters of dormitory residence contracted by the purchaser.

(i) The state postsecondary system toward which the contracted credit hours or semesters of dormitory residence will be applied.

(j) The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conference of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary or to provide for a specified number of semesters of dormitory residence, not to exceed the number of semesters of full-time enrollment required for the conference of a baccalaureate degree.

(k) Other terms and conditions deemed by the board to be necessary or proper.

(12) DURATION OF BENEFITS; ADVANCE PAYMENT CONTRACT.—An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this subsection. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this subsection shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this subsection. Such moneys retained by the board are exempt from chapter 717, and such retained

moneys must be used by the board to further the purposes of this section.

(13) REFUNDS.—

(a) Except as provided in paragraphs (b), ~~and (c), and (f)~~, no refund shall exceed the amount paid into the fund by the purchaser.

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be ~~refunded returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in *an amount which, in total, does not exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be ~~refunded returned~~ to the purchaser *in an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(d) If an advance payment contract is converted from one registration plan to a plan of lesser value, the amount refunded shall not exceed the difference between the amount paid for the original contract and the amount that would have been paid for the contract to which the plan is converted had the converted plan been purchased under the same payment plan at the time the original advance payment contract was executed.

(e) No refund shall be authorized through an advance payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period, but withdraws before the end of such semester. If a beneficiary does not complete a community college plan or university plan for reasons other than specified in paragraph (c), the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(14) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a community college, college, or university in which a beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

(15) OBLIGATIONS OF BOARD; PAYMENT.—The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the Florida Prepaid College Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(16) ASSETS OF THE FUND; EXPENDITURE PRIORITY.—The assets of the fund shall be maintained, invested, and expended solely for the purposes of this section and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of this section. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the fund shall be expended in the following order of priority:

(a) To make payments to state postsecondary institutions on behalf of qualified beneficiaries.

(b) To make refunds upon termination of advance payment contracts.

(c) To pay the costs of program administration and operations.

(17) EXEMPTION FROM CLAIMS OF CREDITORS.—Moneys paid into or out of the fund by or on behalf of a purchaser or qualified beneficiary of an advance payment contract made under this section, which contract has not been terminated, are exempt, as provided by s. 222.22, from all claims of creditors of the purchaser or the beneficiary. Neither moneys paid into the program nor benefits accrued through the program may be pledged for the purpose of securing a loan.

(18) PAYROLL DEDUCTION AUTHORITY.—The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with this section.

(19) DISCLAIMER.—Nothing in this section shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

(20) PROGRAM TERMINATION.—In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within 5 years of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he or she has contracted. All other contract holders shall receive a refund of the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(21) ANNUAL REPORT.—The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Regents and the State Board of Community Colleges, by March 31 each year, complete advance payment contract sales information, including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(a) The board may establish a direct-support organization which is:

1. A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.

3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state. Unless so certified, the organization may not use the name of the program.

(b) The direct-support organization shall operate under written contract with the board. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the board.

2. Submission of an annual budget for the approval of the board. The budget must comply with rules adopted by the board.

3. An annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules adopted by the board.

4. Certification by the board that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.

5. The reversion to the board, or to the state if the board ceases to exist, of moneys and property held in trust by the direct-support organization for the benefit of the board or program if the direct-support organization is no longer approved to operate for the board or if the board ceases to exist.

6. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

7. The disclosure of material provisions of the contract and of the distinction between the board and the direct-support organization to donors of gifts, contributions, or bequests, and such disclosure on all promotional and fundraising publications.

(c) An annual financial and compliance audit of the financial accounts and records of the direct-support organization must be performed by an independent certified public accountant. The audit must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review. The board and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

(d) The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name, *at a minimum*, three other individuals to serve as directors of the organization.

(f) The board may authorize the direct-support organization established in this subsection to use program property, except money, and use facilities and personal services subject to the provisions of this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, it may not use the property, facilities, or personal services of the board. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board. The board shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which such a direct-support organization must comply to use property, facilities, or personal services of the board.

(g) The board may invest funds of the direct-support organization which have been allocated for the purchase of advance payment contracts for scholarships with receipts for advance payment contracts.

(23) *SCHOLARSHIPS.*—A nonprofit organization described in s. 501 (c)(3) of the United States Internal Revenue Code and exempt from taxation under s. 501(a) of the United States Internal Revenue Code may purchase advance payment contracts for a scholarship program that has been approved by the board and is operated by the purchasing organization.

Section 44. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 77, line 17, through page 81, line 5, delete those lines

and insert: A bill to be entitled An act relating to education; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers and providing for appointment by the Florida Board of Education; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees and making appointees subject to Senate confirmation; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Council for Education Policy Research and Improvement, respectively; creating the Council for Education Policy Research and Improvement under the Office of Legislative Services; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education and the Secretary of the Florida Board of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Council for Education Policy Research and Improvement; providing duties of the council; providing for administrative functions; providing membership; providing for an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and its secretary to oversee the chancellors and the executive director; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the Secretary of the Florida Board of Education, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; providing for recommendations for performance-based funding; establishing mission, goals, and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees, a Florida Board of Education, and a Secretary of the Florida Board of

Education; specifying duties of the Secretary of the Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory boards and to develop and recommend a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education and its secretary to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices, divisions, and a leadership team; providing duties of the offices; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing for membership and duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing for membership and duties of the commission; providing that the Florida Education Governance Reorganization Implementation Act does not authorize further regulation of independent schools or home education programs; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; providing for protections from civil liability; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; transferring the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program, including statewide staff, to the Agency for Workforce Innovation; transferring the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including statewide staff, to the Agency for Workforce Innovation; designating the Agency for Workforce Innovation as lead agency for specified federal purposes; amending s. 411.01, F.S.; providing legislative intent with respect to the School Readiness Act; providing for the addition of members to the Florida Partnership for School Readiness; providing duties of the Florida Partnership for School Readiness; deleting obsolete language and conforming provisions; revising procedures for funding school readiness programs; requiring the implementation of a school readiness uniform screening; providing for the development of minimum child care licensing standards; amending s. 216.136, F.S.; deleting certain duties of the Social Services Estimating Conference to conform; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; amending ss. 232.01 and 445.023, F.S.; conforming language and correcting cross references; effective January 1, 2002, repealing ss. 228.061(1) and (2), 230.23(4)(o), 230.2303, 230.2305, and 230.2306, F.S., relating to preschool and prekindergarten early intervention programs in the public schools, school board provision of early childhood and basic skills development, the Florida First Start Program, the prekindergarten early intervention program, and prekindergarten children service needs assessments; effective January 1, 2002, repealing ss. 402.28, 402.281(1), 402.3015, 402.3027, 402.3028, 402.305(18), 402.3052, 402.3135(2)(c), and 402.45(2) and (6), F.S., relating to Child Care Plus, the Gold Seal Quality Care program rating system, the subsidized child care program, observation and assessment of young children in subsidized child care programs, referral for assessment, the child care technical review panel, the child development associate training grants program, provision of assistance to Child Care Plus facilities, and certain requirements for the community resource mother or father program; effective January 1, 2002, repealing ss. 391.304(1)(a) and 411.222, F.S., relating to Department of Health coordination with the Department of Education and specified councils and the State Coordinating Council for School Readiness Programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology

and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; effective June 30, 2002, repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; amending s. 240.205, F.S.; deleting provisions relating to certain contractual obligations of the Board of Regents; repealing s. 235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; amending s. 240.3836, F.S.; revising provisions relating to access to baccalaureate degree programs; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.2011, F.S.; adding New College of Florida in Sarasota County to the State University System; creating fiscally autonomous campuses of the University of South Florida; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida; providing for accreditation; redesignating St. Petersburg Junior College as St. Petersburg College; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate degree level programs; authorizing certain baccalaureate degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost study; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; reenacting and amending s. 240.551, F.S.; revising provisions with respect to the Florida Prepaid College Program; revising provisions with respect to transfer and refund provisions; revising provisions relating to appointment of directors of the direct-support organization; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations;

WHEREAS, in response to Floridians' amendment of s. 2, Art. IX of the State Constitution requiring a seven-member state board of education appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate, which "shall appoint the commissioner of education," the 2000 Legislature enacted the "Florida Education Governance Reorganization Act of 2000" (chapter 2000-321, Laws of Florida), and

WHEREAS, the Florida Education Governance Reorganization Act of 2000 provided legislative policy and guiding principles for a seamless kindergarten through postgraduate education system; provided for the future repeal of existing education entities and statutes; provided for

boards of trustees for each university in the State University System; provided for the establishment and duties of the Florida Board of Education and specified education governance officers; and established the Education Governance Reorganization Transition Task Force charged with the duty to make recommendations to the Legislature, pursuant to a legislatively established timeline, to accomplish a smooth and orderly transition to the new education system, and

WHEREAS, the Education Governance Reorganization Transition Task Force was timely appointed and has been aggressively pursuing its statutory duties by holding meetings and public hearings throughout the state, consulting with education stakeholders and national experts, taking public testimony, and working to expedite its recommendations, NOW, THEREFORE,

Senate Amendment 1A to Senate Amendment 1 to House Amendment 1—On page 31, line 31, through page 32, line 5, delete those lines

and insert: *Education.*

Senate Amendment 1B to Senate Amendment 1 to House Amendment 1—On page 33, lines, 17 and 18, delete those lines and redesignate subsequent paragraph.

On motion by Rep. Baxley, the House concurred in Senate Amendment 1 to House Amendment 1, Senate Amendment 1A to Senate Amendment 1 to House Amendment 1, and Senate Amendment 1B to Senate Amendment 1 to House Amendment 1. The vote was:

Session Vote Sequence: 577

Yeas—59

The Chair	Brummer	Green	Melvin
Allen	Byrd	Haridopolos	Miller
Andrews	Cantens	Harrell	Murman
Arza	Carassas	Johnson	Needelman
Attkisson	Clarke	Kallinger	Negron
Atwater	Crow	Kilmer	Paul
Baker	Davis	Kottkamp	Pickens
Ball	Detert	Kravitz	Prieguez
Baxley	Diaz-Balart	Kyle	Rubio
Bean	Farkas	Lacasa	Russell
Bennett	Fasano	Littlefield	Simmons
Bense	Flanagan	Lynn	Trovillion
Benson	Gardiner	Mack	Wallace
Berfield	Gibson	Mahon	Waters
Bilirakis	Goodlette	Maygarden	

Nays—54

Alexander	Gannon	Kosmas	Ryan
Ausley	Gelber	Lee	Seiler
Barreiro	Gottlieb	Lerner	Siplin
Bendross-Mindingall	Greenstein	Machek	Slosberg
Betancourt	Harper	Mayfield	Smith
Bowen	Hart	McGriff	Sobel
Brutus	Henriquez	Meadows	Spratt
Bucher	Heyman	Mealor	Stansel
Bullard	Holloway	Peterman	Weissman
Cusack	Jennings	Rich	Wiles
Diaz de la Portilla	Jordan	Richardson	Wilson
Dockery	Joyner	Ritter	Wishner
Fields	Justice	Romeo	
Frankel	Kendrick	Ross	

Votes after roll call:

Yeas to Nays—Goodlette

The question recurred on the passage of SB 1162.

Motion

Rep. Maygarden moved the previous question on the bill, which was agreed to. The vote was:

Session Vote Sequence: 578

Yeas—69

The Chair	Carassas	Hart	Murman
Allen	Clarke	Johnson	Needelman
Andrews	Crow	Jordan	Negron
Arza	Davis	Kallinger	Paul
Atwater	Detert	Kilmer	Pickens
Baker	Diaz de la Portilla	Kottkamp	Prieguez
Ball	Diaz-Balart	Kravitz	Ross
Barreiro	Dockery	Kyle	Rubio
Baxley	Farkas	Lacasa	Russell
Bennett	Fasano	Littlefield	Simmons
Bense	Flanagan	Lynn	Sorensen
Benson	Gardiner	Mack	Spratt
Berfield	Gibson	Mahon	Trovillion
Bilirakis	Goodlette	Mayfield	Wallace
Bowen	Green	Maygarden	Waters
Brummer	Haridopolos	Mealor	
Byrd	Harrell	Melvin	
Cantens	Harrington	Miller	

Nays—45

Alexander	Garcia	Lee	Siplin
Attkisson	Gelber	Lerner	Slosberg
Ausley	Gottlieb	Machek	Smith
Bendross-Mindingall	Greenstein	McGriff	Sobel
Betancourt	Henriquez	Meadows	Stansel
Brutus	Heyman	Peterman	Weissman
Bucher	Holloway	Rich	Wiles
Bullard	Jennings	Richardson	Wilson
Cusack	Joyner	Ritter	Wishner
Fields	Justice	Romeo	
Frankel	Kendrick	Ryan	
Gannon	Kosmas	Seiler	

The question recurred on the passage of SB 1162. The vote was:

Session Vote Sequence: 579

Yeas—70

The Chair	Brummer	Haridopolos	Melvin
Alexander	Byrd	Harrell	Miller
Allen	Cantens	Harrington	Needelman
Andrews	Carassas	Johnson	Negron
Arza	Clarke	Jordan	Paul
Attkisson	Crow	Kallinger	Pickens
Atwater	Davis	Kilmer	Prieguez
Baker	Detert	Kottkamp	Ross
Ball	Diaz de la Portilla	Kravitz	Rubio
Barreiro	Diaz-Balart	Kyle	Russell
Baxley	Dockery	Lacasa	Simmons
Bean	Farkas	Littlefield	Sorensen
Bennett	Fasano	Lynn	Spratt
Bense	Flanagan	Mack	Trovillion
Benson	Garcia	Mahon	Wallace
Berfield	Gardiner	Mayfield	Waters
Bilirakis	Gibson	Maygarden	
Bowen	Green	Mealor	

Nays—45

Ausley	Frankel	Henriquez	Lee
Bendross-Mindingall	Gannon	Heyman	Lerner
Betancourt	Gelber	Holloway	Machek
Brutus	Goodlette	Jennings	McGriff
Bucher	Gottlieb	Joyner	Meadows
Bullard	Greenstein	Justice	Peterman
Cusack	Harper	Kendrick	Rich
Fields	Hart	Kosmas	Richardson

Ritter	Siplin	Sobel	Wiles
Romeo	Slosberg	Stansel	Wilson
Ryan	Smith	Weissman	Wishner
Seiler			

Votes after roll call:

Yeas—Murman

Yeas to Nays—Paul

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

Explanations of Vote

Senate Bill 1162 was taken up as the last bill of the 2001 session at 11:15 p.m. There was a motion to call the previous question at 11:26 p.m. which only allowed each side 3 minutes of debate. Final passage of the bill was voted on at 11:31 p.m. Given the complexity and significance of the effort it was impossible to comprehend all of the proposed changes within the limited amount of time that was given for debate. In addition to the lack of time given to the bill, I was concerned about several provisions within the bill. In particular, I opposed the provisions that: abolish the board of regents; eliminate pre-k standards for staffing, training, security screening, and certification; and end home-school partnerships for parents of young children with disabilities and children at risk of future school failure.

Rep. Lois J. Frankel
District 85

Sometimes, members vote against legislation because the bad just outweighs the good. Other times, members vote no because they are philosophically or ideologically opposed to the proposed concept. However, today, I am voting against SB 1162 because I truly believe it is a bad product. This bill will require the state to completely overhaul its public education system in less than 30 days. In the meantime, the bill deletes many of the statutes currently used to govern our schools. I just don't believe that we can accomplish this in such a short time without serious consequences. Fortunately, even in defeating this bill, we can still work on the constitutionally required transition. The budget includes funding for the transition. There is nothing to keep the Governor from beginning the process of moving personnel and making other changes, such as appointing the local university boards. Worse yet, this major piece of legislation was tacked on as a last minute, late night amendment onto a the Prepaid College Bill. Members were only given a few minutes to read the amendment and even less time to debate the measure. I firmly believe that passing this bill will only lead to chaos in Florida's public education system.

Rep. Doug Wiles
District 20

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 19; HB 29; CS/HB 137; CS/HB 175; CS/HB 199; CS/HB 337; HB 421; and CS/HB 455; passed HJR 571 by the required Constitutional three-fifths vote of the members of the Senate; passed HBs 579, 625, and 635; CS/CS/HB 721; and HBs 821 and 915; passed HJR 951 by the required Constitutional three-fifths vote of the members of the Senate; passed HB 953; CS/CS/HB 1121; HBs 1419 and 1471; CS/HB 1541; and HBs 1545, 1565, 1707, 1711, 1717, 1719, 1729, 1731, 1743, 1811, 1845, and 1863.

Faye W. Blanton, Secretary

The above bills and joint resolutions were ordered enrolled.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 to Senate Amendment 1 and passed CS/CS/HB 1053, as amended.

Faye W. Blanton, Secretary

The above bill was ordered enrolled after engrossment.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments and passed CS for SB 84; CS for CS for SB 108; SBs 304 and 330; CS for CS for SB 400; SBs 428 and 638; CS for CS for SB 784; CS for SB 838; SB 850; CS for CS for SB 1180; CS for CS for SB 1258; CS for SB 1260; SB 1424; CS for SB 1524; CS for SB 1562; CS for CS for SB 1672; CS for SB 1684; SB 1766; CS for SB 1872; CS for SB 1956; CS for SB 2042; CS for CS for SB 2156; and SB 2240, as amended.

Faye W. Blanton, Secretary

Statement of Legislative Intent on CS/HB 409

On recommendation by Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, the following remarks were spread upon the Journal:

Rep. Farkas: Thank you, Mr. Speaker. Members, this is the educator liability bill. There was some concern about the wording "competitive process" versus "competitive bidding." Just so you can hear the legislative intent, or our intent, and my intent as the sponsor of the bill, and Senator Webster's intent, the intent is not to circumvent nor to preselect a specific agent, broker or insurance company; rather, the intent is for the liability insurance coverage to be awarded by the competitive bidding process as it's done in every single state agency, and I hope that clarifies any misconceptions, Mr. Speaker.

Recorded Votes

Rep. Baker:

Change from Nays to Yeas—CS for SB 238

Rep. Ball:

Yeas—CS for SB 354; CS for SB 886

Rep. Bean:

Yeas—CS for SB 252

Rep. Brown:

Yeas—CS for CS for SB 1092; passage of CS/HB 1803 after concurrence in Senate amendment(s); passage of SB 2000 after amendment by Conference Committee Report; passage of SB 2002 after amendment by Conference Committee Report

Nays—passage of HB 489 after concurrence in Senate amendment(s)

Rep. Byrd:

Yeas—HB 163; CS for SB 408; SB 666; CS for SB 836; CS for SB 888; HB 1265; CS for SB 1284; HB 1431; HB 1635; HB 1655; HB 1919

Rep. Carassas:

Yeas—HB 1039; HB 1125; CS/CS/HB 1193; CS for SB 1610

Rep. Crow:

Yeas—CS/HB 345; CS/CS/HB 807; CS for SB 1366; CS for CS for SB 1880

Rep. Cusack:

Yeas—CS for SB 2; CS for CS for SB 1204

Rep. Feeney:

Change from Yeas to Nays—CS for SB 1872

Rep. Fields:

Yeas—SB 1148

Rep. Flanagan:

Yeas—Amendment 1 to SB 1738; SB 1738

Rep. Gannon:

Yeas—passage of CS/HB 589 after concurrence in Senate amendment(s)

Rep. Green:

Yeas—motion to lay on the table Amendment 1 to CS/CS/HB 807; CS for SB 1274; Amendment 1 to CS/HBs 1617 & 1487

Nays—Amendment 2 to HB 159

Rep. Justice:

Yeas—CS for CS for SB 668

Rep. Kyle:

Change from Yeas to Nays—CS for SB 1872

Rep. Lynn:

Yeas—CS for SB 354; CS for SB 886

Rep. Mahon:

Yeas—CS for CS for SB 306

Rep. Maygarden:

Yeas—HB 1845

Rep. Miller:

Yeas—CS for SB 240; passage of CS/HB 293 after reconsideration; CS for SB 890

Rep. Ritter:

Yeas—HB 29; CS/HB 41; HB 47; CS/HB 55; CS/HB 141; CS/HB 199; CS/HB 215; CS/HB 245; CS/CS/HB 269; CS/CS/HB 273; CS/HB 275; CS/HB 277; HB 383; HB 385; HB 387; HB 389; HB 391; HB 393; HB 395; HB 397; HB 399; HB 401; HB 403; HB 405; HB 407; CS/HB 409; HB 499; CS/HB 501; HB 657; HB 659; HB 661; HB 663; HB 665; HB 667; HB 669; HB 671; HB 1083; HM 1161; CS for SB 1610; Amendment 1 to CS/HBs 1617 & 1487; HB 1673; HB 1711; HB 1715; HB 1719; HB 1727; HB 1729; HB 1739; HB 1741; CS/HB 1803; motion to consider a late-filed amendment to HB 1807; HB 1807; HB 1809; HB 1933; SB 2104; CS/HB 4007

Nays—HB 21; CS/HB 271; Amendment 2 to CS/CS/HB 303; motion to consider a late-filed amendment to CS/HB 367; Amendment 1 to Substitute Amendment 1 to HB 1083; Amendment 4 to HB 1753; Amendment 5 to HB 1753; HB 1753

Yeas to Nays—Amendment 1 to HB 21

Rep. Romeo:

Yeas—CS/HB 1; HB 399; HB 1971

Rep. Russell:

Yeas—CS for SB 240; CS/HB 455; Amendment 1 to SB 708; CS for SB 890; CS for CS for SB 1376; CS for SB 2012

Nays—motion to temporarily postpone CS/HB 1189; Amendment 13 to CS/HB 1927

Rep. Ryan:

Yeas—HJR 571; HB 645

Rep. Slosberg:

Change from Nays to Yeas—HB 251

Rep. Waters:

Yeas—SB 1148

Explanation of Vote on CS for CS for CS for SB 1202

I voted in opposition of CS/CS/CS/SB 1202 on May 2, 2001, because of the limits on punitive damages and the exemption from vicarious liability for nursing home facilities and assisted living facilities found in sections 8-12 and 43-44. The cap on punitive damages shields nursing homes and assisted living facilities from full accountability for their worst conduct. The exemption from vicarious liability prevents the resident and their family from holding the facilities accountable for the wrongful acts of its employees. These provisions are unfair and provide no guarantee that they could lead to availability of reasonably priced liability insurance for long-term care facilities.

There are other provisions in this bill that I support. Those provisions include an eventual increase in the minimum staffing requirements for direct care staff, the strengthening of AHCA's regulatory authority by increasing the number of nursing home inspections, an increase in the fines for violation of AHCA's requirements, and licensure requirements for the nursing homes and assisted living facilities.

I sponsored Amendment #191785, which was offered but not considered. That amendment would have provided much stronger and quicker protections for nursing home patients as well as litigation reform.

*Rep. Lois J. Frankel
District 85*

Cosponsors

HB 1689—Brutus

Resolutions Adopted by Publication

At the request of Rep. Brutus—

HR 9075—A resolution recognizing the Miami Edison Senior High School girls' basketball team for winning the State Class 6A Championship on March 3, 2001.

WHEREAS, Miami-Dade Public Schools have won only three of the previous 12 Final Four Championships since the girls' state championships began in 1976, and

WHEREAS, the Red Raiders of Miami Edison Senior High School, who last won the state championship in 1995, were defeated in the final round of the state championship only 1 year ago by the Bears of Winter Springs Senior High School, and

WHEREAS, the eight seniors on the team, including Chanyekeson Ambroise, Rochelle Brown, Linda Christian, Gerline Guillaume, Carline Ofelus, Micheline Philogene, Lucila Simon, Scholanda Dorrell, who was the team's leading scorer, and Florence Williams, who was the tournament's Most Valuable Player, and their underclass teammates, including Nicolea Coley, Nadage Dareus, Kalondra McKenzie, Earnasha Houston, and Sylvia Fowles, who is the only woman in Florida's history to attempt a dunk in a state championship game, were especially anxious to do well in the tournament, as the Bears of Winter Springs were attempting to become only the sixth school in state history to win three state championships, and

WHEREAS, the Edison High Red Raiders made their fourth Final Four appearance within the past 7 years under the leadership of Coach Denise Novak, and captured their second state championship in a thrilling 65-to-56 victory over the Bears of Winter Springs before 745 fans at the Lakeland Center, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives commends the Red Raiders girls' basketball team of Miami Edison Senior High School for winning the State Class 6A Championship.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Coach Denise Novak and each team member as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Murman—

HR 9077—A resolution designating August 19-25, 2001, “Community Health Center Week.”

WHEREAS, there are a significant number of citizens in Florida who are currently medically underserved for a number of reasons, the most prominent of which include geographical isolation, financial and language barriers, and an insufficient number of health care providers, and

WHEREAS, community health centers are private, nonprofit corporations that provide high-quality comprehensive primary health care to medically underserved people in Florida, and

WHEREAS, it is critical that community health centers remain viable providers of primary health care throughout Florida by providing a host of support services, including transportation, translation, nutrition counseling, and health education programs, and

WHEREAS, community health centers empower communities to develop programs to meet their specific needs, strengthen communities to enhance opportunities for children and families, and provide health care services in accessible low-cost environments, and

WHEREAS, community health centers improve access to quality health care in areas that are unserved or underserved and promote individual health awareness in their communities by offering primary preventive health care to help reduce preventable deaths, costly disabilities, and communicable diseases, and

WHEREAS, community health centers will continue to provide a medical home to thousands of uninsured Floridians, and

WHEREAS, community health centers promote 100 percent access and zero health disparities to help achieve accessible, affordable primary health care for everyone, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives hereby proclaims the week of August 19-25, 2001, as “Community Health Center Week,” and urges citizens to recognize the important contributions of Florida’s community health centers to the improvement of the quality of life for more than 430,000 citizens of the state.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Kendrick—

HR 9079—A resolution designating April 2001 “Florida Organ Donation Awareness Month.”

WHEREAS, organ transplants have saved the lives of many Floridians, and

WHEREAS, between 1990 and 1999, the number of Americans waiting for organ transplants increased from over 21,000 to over 72,000, and

WHEREAS, approximately 15,000 people received organ transplants in 1990, compared to the just-over 21,000 organ transplants performed in 1999, and

WHEREAS, while the increase in the number of transplants is encouraging, the waiting list continues to grow disproportionately, and

WHEREAS, organ donation is a gift of life and symbolizes the American spirit, and the promotion of organ donation may help save thousands of lives, and

WHEREAS, the week of April 15 through 21 has been designated “National Organ and Tissue Donor Awareness Week,” 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 honor the memory of the many Floridians who have died waiting for organ transplants and to thank those who have given this wonderful gift of life in the hope of saving others.

BE IT FURTHER RESOLVED that April 2001 is designated “Florida Organ Donation Awareness Month.”

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Hogan—

HR 9081—A resolution proclaiming November 1-4, 2001, as Ham Jam Week in Clay County.

WHEREAS, the Fourteenth Annual First Coast Ham Jam will be held in Clay County during November 1-4, 2001, and

WHEREAS, teams from all across the state are expected to participate in this contest, using various cooking apparatus, techniques, and recipes, and

WHEREAS, this event has grown each year, gaining statewide recognition, and it has become one of Florida’s most popular annual festivals, and

WHEREAS, the First Coast Ham Jam was recognized by proclamation of the Governor of the State of Florida in 1988 and became the First Official Pork Cooking Contest in Florida, and

WHEREAS, the Florida House of Representatives has proclaimed the First Coast Ham Jam as the Official State Pork Cooking Contest, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That November 1-4, 2001, is hereby proclaimed as Ham Jam Week in Clay County, and the House of Representatives of the State of Florida extends best wishes to all participants and visitors for a most enjoyable event.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Wiles—

HR 9083—A resolution recognizing the week of November 11-17, 2001, as “Florida Storytelling Week.”

WHEREAS, the art of storytelling is a valuable method of sharing Florida folklore and contributes to the preservation of the history of our state, and

WHEREAS, the art of storytelling embraces the heritage and oral tradition of diverse cultures within our state, enabling all Floridians to celebrate the strength of community in the richness of diversity, and

WHEREAS, the art of storytelling promotes literacy and character development among the youth of our state while encouraging mastery of language arts and knowledge of the history and folklore of Florida as students learn, tell, and listen to stories in school or community settings, and

WHEREAS, the art of storytelling fosters communication, tolerance, and understanding among Florida citizens of every age and background, and

WHEREAS, the Florida Storytelling Association, Inc., consisting of numerous storytellers in all regions of the state, serves to preserve, perpetuate, and promote the art of storytelling in Florida by educating storytellers and encouraging the art of storytelling, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives commends the Florida Storytelling Association, Inc., and proclaims the week of November 11-17, 2001, to be “Florida Storytelling Week.”

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Florida Storytelling Association, Inc., Jane Sims, President, as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Jennings—

HR 9085—A resolution honoring the memory of Stephen C. O'Connell.

WHEREAS, born January 22, 1916, in West Palm Beach, the Honorable Stephen C. O'Connell led a life of adventure and achievement, remembered as a man exceeded in integrity by no one and matched by very few, quick with a quip and blunt with his opinion, yet renowned for his politeness and good manners, and

WHEREAS, Stephen C. O'Connell attended the University of Florida, where he was president of the student body and captain of the boxing team and where he became a lifelong, fiercely loyal Gator, who, according to former Florida State University president Stanley Marshall, took great delight in beating the Seminoles and “rubbing it in” when he did, and

WHEREAS, Stephen C. O'Connell rose to the rank of major during World War II and returned home to run a successful law practice in Fort Lauderdale until he was finally persuaded by Governor LeRoy Collins to accept a Supreme Court appointment in 1955, where he won a reputation for legal fairness and scholarship, and

WHEREAS, the only person to lead both the state's highest court and its largest university, Stephen C. O'Connell remained on the Supreme Court until 1967, serving as chief justice his final year, when he resigned to accept the presidency of the University of Florida, a position he held until 1973, the first alumnus of the school to become its president, and

WHEREAS, Stephen C. O'Connell was the recipient of innumerable awards and honors, among his favorites, doctorates from Florida State University and the University of Notre Dame and his election to the Florida Sports Hall of Fame in Lake City, but the most notable of his honors are those in the memories of those whose lives he touched, as exemplified by the remark of his long-time friend, former Lieutenant Governor Wayne Mixson, “He was the kindest, most gentle man I ever met,” 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 honor the memory of a great man and superlative statesman who served his state and nation with distinction, the Honorable Stephen C. O'Connell.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mrs. Cindy Bowling O'Connell as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Gibson—

HR 9087—A resolution recognizing the accomplishments of Florida's Hometown U.S.A. participants.

WHEREAS, Florida's Hometown U.S.A., an educational youth program organized in 1986, plays a significant role in the development of young people in the State of Florida by encouraging their active involvement in home, church, school, and community activities, and

WHEREAS, recognizing that today's students will carry with them into tomorrow's society those values and skills learned in their youth, Florida's Hometown U.S.A. seeks out five young women each year and provides them opportunities to represent their hometowns while performing volunteer service throughout the state, and

WHEREAS, opportunities for service have run the gamut from distributing toys to youngsters in children's hospitals to entertaining residents of nursing homes and retirement centers, from sharing smiles

with patients of veterans' hospitals to participating in sing-alongs with lonely seniors, and from distributing food to needy families to acting as Grand Marshals in the Walt Disney World Parade, and

WHEREAS, in addition to having received recognition from the President of the United States, as well as from the Vice President, the First Lady, and the United States Congress, the young representatives of Florida's Hometown U.S.A. have been commended by the Governor, the Florida Legislature, and the state Department of Commerce, and

WHEREAS, especially meaningful during their year of service is the annual trip to the State Capital, where the young women are conducted on a tour of the Capitol and shown points of interest around the city, with emphasis on state government and the history of Florida, and

WHEREAS, the five outstanding representatives of Florida's Hometown U.S.A. for the year 2001 are Helen Yousefzadeh, from Jacksonville; Ashley Lamendola, from Largo; Krista Thorburn, from Coral Springs; Katie Hill, from Leesburg; and Anna Racine Hall, from Clearwater, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives enthusiastically recognizes Florida's Hometown U.S.A. participants for the year 2001 as extraordinary examples of the state's fine young ladies and extends to them its sincere good wishes in their future endeavors.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to each of these young people as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Alexander—

HR 9089—A resolution recognizing the efforts of Thomas B. Mack in compiling the Florida Citrus Archives.

WHEREAS, since 1948, Florida Southern College, under the capable direction of Professor Thomas B. Mack, has been developing an archive of the Florida citrus industry, and

WHEREAS, this collection of materials relating to the state's citrus industry, which consists of historical records, photographs, maps, books, crate labels, documents, and the like, now includes thousands of items that will be of use to future generations interested in the development of the industry in Florida, and

WHEREAS, Florida Southern College is committed to maintaining the Florida Citrus Archives as a part of its campus and teaching program, and to granting free access to anyone who desires to know more of the history of the Florida citrus industry, and

WHEREAS, inasmuch as the Florida citrus industry, and, to a great extent, the economy of the state, benefit directly and indirectly from the archiving of these records, it is appropriate that Professor Thomas B. Mack be recognized for his efforts in developing this valuable resource, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes the Florida Citrus Archives, housed at Florida Southern College, in Lakeland, as the official archives of the Florida citrus industry.

BE IT FURTHER RESOLVED that it is the desire of the Florida House of Representatives that the Florida Citrus Archives be dedicated to Professor Thomas B. Mack as an expression of genuine gratitude for his efforts in overseeing the development of this important source of information relating to the state's citrus industry.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Thomas B. Mack as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Farkas—

HR 9091—A resolution designating the week of June 3-9, 2001, as “Chamber of Commerce Week” in Florida.

WHEREAS, there are chambers of commerce located throughout the communities of Florida, representing small and large businesses in operation in the state, and

WHEREAS, in addition to promoting the business, civic, and economic interests of the regions in which they serve, chambers of commerce provide input to leaders of all levels of government on various issues of critical concern to area residents, and

WHEREAS, today’s chambers of commerce are also vigorously leading their communities in advancing technology, establishing a clear vision, and solving tough problems, and

WHEREAS, volunteers give unselfishly of their time, energy, and expertise in advancing the purposes of the local chambers of commerce and in meeting the goals of their annual programs, 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 merits of the chambers of commerce of the state and to express its sincere appreciation for the steadfast efforts of all those involved in their area organizations.

BE IT FURTHER RESOLVED that the House of Representatives enthusiastically designates the week of June 3-9, 2001, as “Chamber of Commerce Week” in Florida.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Fasano—

HR 9093—A resolution honoring Florida veterans.

WHEREAS, of the almost 1.7 million veterans who call Florida home, over 500,000 are from World War II, 300,000 are from the Korean War, and almost 500,000 are from the Vietnam War, and

WHEREAS, throughout our nation’s history, on home soil and in foreign lands, on the seas and in the skies, our brave young men and women have risked and often sacrificed their lives so that others may enjoy America’s legacy of freedom, and

WHEREAS, it is incumbent upon those of us now enjoying those freedoms to remember and honor the courageous sons and daughters, brothers and sisters, fathers and mothers, and grandfathers and grandmothers who, in the eloquent words of President Abraham Lincoln, “gave the last full measure of devotion” for the well-being of their beloved country, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes with deep gratitude the unselfish, dedicated service provided to our state and nation by the valiant men and women of our armed forces.

BE IT FURTHER RESOLVED that, in its every deed and action, the House of Representatives will endeavor to continue demonstrating its appreciation for their sacrifices.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Lieutenant Colonel Robin L. Higgins, Executive Director of the Department of Veterans’ Affairs, as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. McGriff—

HR 9095—A resolution recognizing the 25th anniversary of the College of Veterinary Medicine of the University of Florida.

WHEREAS, since its establishment in 1976, the College of Veterinary Medicine of the University of Florida has graduated more than 1,600 veterinarians, and

WHEREAS, the faculty and alumni of the college have discovered many ways to improve human and animal medicine, the environment, food production, and public health, and

WHEREAS, the College of Veterinary Medicine, through its Veterinary Medical Teaching Hospital and its diagnostic services, extensive research programs, and continuing education programs, provides practical research and instruction for animal and agricultural industries, and

WHEREAS, the graduates of the College of Veterinary Medicine provide comprehensive veterinary care, including preventive medicine, diagnoses, and appropriate drugs and surgery, when necessary, to the state’s animal populations, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives commends the College of Veterinary Medicine of the University of Florida on its 25th anniversary and for its contributions to the health and welfare of Florida’s animal populations.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Miller—

HR 9097—A resolution commemorating the life of Dale Earnhardt and designating July 3, 2001, as “Dale Earnhardt Day” in Florida.

WHEREAS, Dale Earnhardt was born on April 29, 1951, in Kannapolis, North Carolina and died on February 18, 2001, in Daytona Beach, Florida, and

WHEREAS, Dale Earnhardt, during his racing career of 675 starts, 76 wins, 280 top-five finishes, and 427 top-ten finishes, earned the nickname, “The Intimidator” because of his aggressive driving style and unrelenting will to reach victory lane, and

WHEREAS, Dale Earnhardt was named Rookie of the Year in 1979, his first year of NASCAR racing, won the NASCAR Winston Cup Championship the following year, and ultimately won seven Winston Cup Championships, tying him with Richard Petty for the most championships, and

WHEREAS, Dale Earnhardt was the all-time NASCAR money winner with over \$42 million in career winnings, the only six-time winner of the Busch Clash, the only three-time winner of the Winston All Star Race, the five-time NMPA Driver of the Year, the four-time winner of the IROC title, twice named American Driver of the Year, and the first American driver to receive the Autosports Gregor Grant Award, and

WHEREAS, Dale Earnhardt finally won the Daytona 500 in 1998 on his 20th attempt, and

WHEREAS, Dale Earnhardt was killed in a tragic accident on the last lap of the Daytona 500 in 2001, and

WHEREAS, Dale Earnhardt’s success both on the racetrack and in life was a living example of the philosophy of doing what you love and doing it better than anyone else, and

WHEREAS, Dale Earnhardt’s untimely death was a loss to his family, his associates, his fans, and the public, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives hereby honors Dale Earnhardt for one of the greatest careers in the history of NASCAR racing and designates July 3, 2001, as “Dale Earnhardt Day” in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Mrs. Teresa Earnhardt as a tangible and lasting token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Baxley—

HR 9099—A resolution recognizing the Kiwanis for their teacher appreciation efforts.

WHEREAS, the Florida District of Kiwanis, consisting of approximately 350 clubs and approximately 13,500 members, including 26 divisions and including organizations in its family such as Circle K (college youth), Key Club (high school youth), Builders Club (middle school), and K-Kids (elementary school), has long been a champion of education, and

WHEREAS, the international service club founded in 1915 has steadfastly lived up to its motto of “We build,” and its current theme directs its members to participate in “Young Children: Priority One,” and

WHEREAS, the Florida District of Kiwanis International has spearheaded a campaign to honor Florida’s elementary and secondary school teachers by presenting “an apple to teacher” stamped with the Kiwanis emblem and proclaiming that “Kiwanis loves and appreciates our teachers,” NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives does hereby recognize the work of the Florida District of Kiwanis in honoring the efforts of teachers.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Kiwanis Governor Don Fineout as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Goodlette—

HR 9101—A resolution urging the continued protection of Florida’s Gulf of Mexico coastline.

WHEREAS, Florida’s seashores and natural beauty are natural resources enjoyed by the entire world, and

WHEREAS, the citizens of Florida have consistently shown their commitment to the protection of these irreplaceable natural resources, and

WHEREAS, the economy of Florida is based in large part on the desire of people the world over to share in this natural beauty, and

WHEREAS, plans by the Federal Government to auction leases for the exploration of oil and natural gas off the coastline of Florida have been recently announced, and

WHEREAS, such exploration creates an unacceptable risk to the exceptional natural resources of Florida, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives opposes any move to allow exploration or drilling for oil or natural gas within the Eastern Planning Area of the Gulf of Mexico.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to United States Department of Interior Secretary Gale Norton and to each member of the Florida delegation to the United States Congress.

—was read and adopted by publication pursuant to Rule 10.20.

Excused

Rep. Brown after 4:42 p.m.; Rep. Fiorentino after 4:27 p.m.

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time:

CS/SB 466 (public employment): Rep. Diaz-Balart, Chair; Reps. Brummer, Cantens, Kyle, and Seiler.

CS/SB 1118 (elections): Rep. Byrd, Chair; Reps. Goodlette, Rubio, and Smith.

SBs 2000 and 2002 (appropriations): Rep. Lacasa, Chair; At Large—Reps. Fasano, Greenstein, Murman, Wallace, Wilson, and Sobel (alternate); Transportation & Economic Development Appropriations—Rep. Johnson, Chair, Reps. Bense, Hart, Jennings, Ritter, Rubio, Berfield (alternate), and Hogan (alternate); Health & Human Services Appropriations—Rep. Maygarden, Chair, Reps. Brummer, Farkas, Green, Rich, Slosberg, Benson (alternate), Brutus (alternate), and Garcia (alternate); Education Appropriations—Rep. Lynn, Chair, Reps. Alexander, Flanagan, Justice, Melvin, Stansel, Arza (alternate), Bucher (alternate), and Mealor (alternate); Criminal Justice Appropriations—Rep. Ball, Chair, Reps. Barreiro, Bilirakis, Mahon, Meadows, Seiler, and Bowen (alternate); General Government Appropriations—Rep. Dockery, Chair, Reps. Holloway, Kilmer, Miller, Siplin, Spratt, and Brown (alternate).

Correction of the Journal

The *Journal* of March 29 was further corrected as follows: On page 351, column 2, line 9 from the bottom, in Cosponsors, delete: “HB 1543—Kottkamp” and insert in HB 1593: Kottkamp

The *Journal* of March 30 was further corrected as follows: On page 397, column 2, line 3 from the bottom, after HB 1815, insert: Proof of publication of the required notice was attached.

The *Journal* of May 1 was further corrected as follows: On page 1521, column 2, line 4 from the bottom, in Recorded Votes under Rep. Waters, delete: “Yeas—CS/HB 1385”

The *Journal* of May 3 was further corrected as follows: On page 1948, column 1, line 1 from the top, insert:

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate returns as requested CS/HB 293.

Faye W. Blanton, Secretary

CS/HB 293—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms “early stage technology business” and “qualified distribution”; defining the terms “Program One” and “Program Two”; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

The *Journal* of May 4 was corrected and approved as follows: On page 2047, column 2, line 12 from the top, after SB 2342, insert: Proof of publication of the required notice was attached.

And on page 2047, column 2, lines 21-31 from the bottom, delete all of said lines and insert in lieu thereof:

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 84, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senator Meek—

CS for SB 84—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist

Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy; providing an effective date.

And on page 2059, column 2, line 14 from the bottom, after HB 1903, insert: Proof of publication of the required notice was attached.

And on page 2593, column 2, lines 25 and 26 from the top, in Recorded Votes, delete: "Rep. Ausley: Yeas—SB 1200"

And on page 2593, column 2, line 11 from the bottom, in Rep. Byrd's Recorded Votes, delete: "Nays—Amendment 11 to HB 1655" and insert in Yeas between HB 1635 and HB 1919: HB 1655;

And on page 2594, column 1, line 13 from the bottom, in Rep. Ritter's Recorded Votes, in the Nay votes, delete: "Amendment 1 to HB 21" and in line 10 from the bottom, in Change from Yeas to Nays, insert: Amendment 1 to HB 21

And in column 1, line 13 from the bottom, in Rep. Ritter's Nay votes before CS/CS/HB 303, insert: Amendment 2 to

And on page 2594, column 1, line 4 from the bottom, in Rep. Russell's Nay votes, in front of CS/HB 1189, insert: motion to temporarily postpone

Adjournment

On motion by Rep. Byrd, the House adjourned at 11:36 p.m. *sine die*.

Enrolling Reports

CS/CS/HB 1193 has been enrolled, signed by the required constitutional officers, and presented to the Governor on May 9, 2001.

John B. Phelps, Clerk

HB 1673 has been enrolled, signed by the required constitutional officers, and presented to the Governor on May 10, 2001.

John B. Phelps, Clerk

HBs 115 and 395; CS/HBs 409, 475, and 479; HBs 559, 585, 629, 659, 661, 663, 665, 667, 669, 671, 763, 777, 845, 853, 867, 879, 885, 891, 927, 929, 941, 943, 945, 975, 1037, 1041, 1115, 1125, 1851, 1855, 1857, 1859, 1887, and 1897 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 14, 2001.

John B. Phelps, Clerk

HB 47; CS/HBs 157 and 199; CS/CS/HB 269; HBs 385, 393, 397, 399, 401, and 499; CS/HBs 501 and 563; HB 695; CS/CS/HB 721; HB 775; CS/HB 795; HBs 799, 847, 849, 851, 855, 857, 859, 863, 887, 901, 905, 919, 1183, and 1323; CS/HB 1425; HB 1429; CS/HB 1633; HB 1785; CS/HB 1803; HBs 1815, 1899, and 1935 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 16, 2001.

John B. Phelps, Clerk

CS/HB 19; HB 29; CS/HB 41; HB 69; CS/HBs 175 and 245; HB 251; CS/CS/HB 267; CS/HB 277; HBs 387, 403, 421, 489, 601, 947, and 953; CS/CS/HB 1121; and HB 1545 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 18, 2001.

John B. Phelps, Clerk

HBs 635, 757, 873, 897, 903, 911, and 917; CS/HBs 1385 and 1541; HB 1565; and CS/HB 1805 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 21, 2001.

John B. Phelps, Clerk

CS/HB 279; HB 405; CS/CS/HB 719; HBs 1519, 1729, 1731 and 1743 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 23, 2001.

John B. Phelps, Clerk

HBs 579, 931, 937, 939, 1157, 1225, and 1419 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 25, 2001.

John B. Phelps, Clerk

HBs 1741, 1845 and 1863 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 29, 2001.

John B. Phelps, Clerk

CS/HB 9; HB 21; CS/HBs 137, 455, and 589; HBs 625, 821, and 915; CS/HB 979; HBs 1265, 1861, and 1903 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 30, 2001.

John B. Phelps, Clerk

HJR 951 has been enrolled, signed by the required constitutional officers, and filed with the Secretary of State on May 30, 2001.

John B. Phelps, Clerk

CS/HB 337; CS/CS/HBs 411 and 503; HBs 1221, 1471, 1635, 1707, 1719, 1811, and 1821 have been enrolled, signed by the required constitutional officers, and presented to the Governor on June 1, 2001.

John B. Phelps, Clerk

CS/HB 367; CS/CS/HB 1053; HBs 1711 and 1717 have been enrolled, signed by the required constitutional officers, and presented to the Governor on June 4, 2001.

John B. Phelps, Clerk

HB 1865 has been enrolled, signed by the required constitutional officers, and presented to the Governor on June 5, 2001.

John B. Phelps, Clerk

CS/HJR 471 and HJR 571 have been enrolled, signed by the required constitutional officers, and filed with the Secretary of State on June 5, 2001.

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 11—CS/HB 1 and HB 1003

May 16—CS/HB 409 and CS/CS/HB 1193

May 17—CS/HB 199

May 21—HB 1673

May 23—CS/HB 475

May 25—HBs 115, 395, 585, 629, 659, 661, 663, 665, 667, 669, 671, 763, 777, 845, 853, 867, 879, 885, 891, 927, 929, 941, 943, 945, 953, 975, 1037, 1041, 1115, 1125, 1851, 1855, 1857, 1859, and 1887

May 29—HBs 393, 397, 399, and 401; CS/HB 479; HB 559; CS/HB 563; CS/CS/HB 721; HBs 775, 799, 847, 851, 855, 857, 887, 905, 919, 1183, 1323, 1429, 1785, 1815, 1897, and 1899

May 30—HB 47; CS/HB 157; CS/CS/HB 269; HBs 385 and 499; CS/HBs 501 and 795; HBs 849, 859, and 901; CS/HBs 1633 and 1803

May 31—CS/HB 245; CS/CS/HB 267; HB 695; CS/HB 1425; HB 1935

June 1—CS/HB 19; HB 29; CS/HB 41; HB 69; CS/HB 175; HB 251; CS/HB 277; HBs 387, 403, 421, 489, 601, and 947; CS/CS/HB 1121; HB 1545

June 7—CS/HB 279; HB 405; CS/CS/HB 719; HBs 1729, 1731, and 1743

June 8—HBs 579, 937, 939, and 1419

June 9—HB 1157

June 12—HB 1861

June 13—CS/HB 9; HB 21; CS/HB 137; CS/CS/HB 411; CS/HBs 455 and 589; HBs 625 and 915; CS/HB 979; HBs 1265, 1741, 1845, 1863, and 1903

June 14—HB 821

June 15—CS/CS/HB 503; HBs 1221, 1471, 1635, 1707, 1719, 1811, and 1821

June 19—CS/HB 367; HBs 1711 and 1865

—and he had filed the following bills, which will become law without his signature:

June 6—HB 757

June 10—HB 1225 (specific appropriation veto)

June 17—CS/HB 337

The Honorable Katherine Harris
Secretary of State

June 15, 2001

Dear Secretary Harris:

I hereby transmit to you without my signature Committee Substitute for House Bill 337, an act relating to public libraries.

In 2000, section 257.17, Florida Statutes, was amended to provide an exception for a municipality with a population of 200,000 or more that establishes or maintains a library to receive operating grants under certain criteria. The amended provision was to have been a one-time allocation to be repealed on July 1, 2001. Committee Substitute for House Bill 337 extends the repeal date provided in section 257.17, Florida Statutes, from July 1, 2001, to July 1, 2002. This extension serves to allow the City of Hialeah to receive an additional operating grant from the State Aid to Libraries grant program.

I am allowing Committee Substitute for House Bill 337 to become law this year. While I recognize the importance of providing library services to all Florida citizens, I have concerns with legislation designed to specifically allocate funds to an entity not meeting the criteria set forth in law. Therefore, I strongly encourage the City of Hialeah, Miami-Dade County and the Department of State to work together to reach an interlocal agreement to address providing library services to all affected residents. With the expectation that such an agreement will be reached, if a similar extension passes next year, I will veto such legislation.

Sincerely,
JEB BUSH
Governor

Recorded Votes

Rep. Alexander:

Yeas—CS for SB 202; SB 510; CS for CS for SB 668; HB 863; passage of CS/CS/HB 1053 after reconsideration; CS for SB 1540; HB 1743

Nays—Amendment 3 to Amendment 4 to CS/HB 1925; HB 1943

Change from Nays to Yeas—passage of CS/HB 501 after concurrence in Senate Amendments 1, 2, 3, and 4

Rep. Andrews:

Change from Nays to Yeas—CS for SB 978

Rep. Ball:

Yeas—passage of CS/HB 589 after concurrence in Senate Amendments 1 and 2

Rep. Bean:

Yeas—SB 1738

Rep. Bendross-Mindingall:

Change from Nays to Yeas—Amendment 1 to CS for SB 466

Rep. Benson:

Change from Yeas to Nays—Amendment 1 to Amendment 1 to CS/HB 1819

Rep. Betancourt:

Yeas—HB 145; CS/CS/HB 1193; HB 1741

Nays—motion to consider a late-filed amendment to CS/HB 367

Rep. Bowen:

Yeas—CS for CS for SB's 336 & 190; SB 636; CS for CS for SB 856; HB 1429; HJR 1451; CS for SB 1506; HB 1635; Amendment 1 to Amendment 1 to CS for SB 1692; CS/HB 1701; passage of HB 1861 after concurrence in Senate Amendment 1; SB 2308

Rep. Brown:

Yeas—passage of CS for SB 2 after concurrence in Senate Amendment 1 to House Amendment 2; passage of HB 21 after concurrence in Senate Amendments 3, 3A, and 3B; passage of HB 251 after concurrence in Senate Amendment 1; passage of CS/HB 271 after concurrence in Senate Amendment 1 as amended; passage of CS/HB 367 after concurrence in Senate Amendment 1; passage of CS for SB 466 after amendment by Conference Committee Report; passage of SB 1162 after concurrence in Senate Amendment 1 to House Amendment 1, Senate Amendment 1A to Senate Amendment 1 to House Amendment 1, and Senate Amendment 1B to Senate Amendment 1 to House Amendment 1; passage of CS for CS for SB 1202 after concurrence in Senate Amendment 1 to House Amendment 1

Rep. Bullard:

Change from Nays to Yeas—passage of CS/HB 1803 after concurrence in Senate Amendments 1, 2, 3, 4, and 5

Rep. Crow:

Yeas—CS/HB 161; CS/HB 199; CS/CS/HB 411; SB 428; HB 465; SB 536; HB 559; passage of CS/HB 589 after concurrence in Senate Amendments 1 and 2; HB 625; CS for CS for SB 668; HB 701; CS/HB 717; HB 757; SB 770; SB 1066; HB 1225; CS for SB 1226; SB 1324; CS/HB 1361; SB 1400; CS/HB 1701

Nays—Amendment 15 to CS/HB 1361

Rep. Cusack:

Yeas—CS for SB 2; CS for CS for SB 1204

Rep. Detert:

Yeas—CS for SB 232; HB 915; HB 1083; CS/HB 1633; HB 1971; SB 2240

Nays—Amendment 1 to Substitute Amendment 1 to HB 1083

Rep. Dockery:

Yeas—CS for SB 350; HB 465; HB 499; SB 536; CS for SB 778; SB 1738

Rep. Farkas:

Change from Yeas to Nays—SB 1412

Rep. Fasano:

Yeas—CS for SB 354; CS/HB 367; HB 369; CS/HB 409; SB 428; CS/HB 501; CS for SB 836; CS for SB 838; HB 1083; SB 1148; passage of HB

1861 after concurrence in Senate Amendment 1; CS for SB 2074; SB 2342

Rep. Fiorentino:

Yeas—passage of CS for SB 2 after concurrence in Senate Amendment 1 to House Amendment 2; passage of HB 21 after concurrence in Senate Amendments 3, 3A, and 3B ; CS for SB 84; CS for SB 238; passage of HB 251 after concurrence in Senate Amendment 1; passage of CS/CS/HB 267 after concurrence in Senate Amendments 1 and 2; passage of CS/CS/HB 269 after concurrence in Senate Amendment 1; HB 301; SB 304; CS for CS for SB's 336 & 190; CS for SB 350; CS for CS for CS for SB 446; passage of CS for SB 466 after amendment by Conference Committee Report; passage of CS/HB 501 after concurrence in Senate Amendments 1, 2, 3, and 4; passage of CS/HB 589 after concurrence in Senate Amendments 1 and 2; CS for SB 658; passage of HB 757 after concurrence in Senate Amendment 1; CS for CS for SB 792; CS for CS for SB 856; CS for SB 892; CS for SB 904; CS for CS for SB 912; SB 958; CS for SB 962; CS for SB 978; SB 1020; passage of CS/CS/HB 1053 after concurrence in Senate Amendment 1, as amended; CS for CS for SB 1092; passage of SB 1162 after concurrence in Senate Amendment 1 to House Amendment 1, Senate Amendment 1A to Senate Amendment 1 to House Amendment 1, and Senate Amendment 1B to Senate Amendment 1 to House Amendment 1; CS for SB 1172; passage of CS for CS for CS for SB 1202 after concurrence in Senate Amendment 1 to House Amendment 1; SB 1220; passage of HB 1225 after concurrence in Senate Amendments 1, 2, 3, 4, 5, 9, 10, and 11; CS for SB 1256; SB 1412; CS for SB 1468; CS for SB 1558; CS for CS for SB 1624; CS for CS for SB 1672; HB 1713; CS for SB 1720; passage of HB 1741 after concurrence in Senate Amendment 1; passage of HB 1749 after concurrence in Senate Amendment 1, as amended; CS for SB 1784; passage of CS/HB 1803 after concurrence in Senate Amendments 1, 2, 3, 4, and 5; passage of HB 1861 after concurrence in Senate Amendment 1; passage of HB 1981 after concurrence in Senate Amendment 1, as amended; SB 1986; passage of SB 2000 after amendment by Conference Committee Report; passage of SB 2002 after amendment by Conference Committee Report; CS for SB 2074; SB 2342

Nays—CS for SB 202; passage of CS/HB 271 after concurrence in Senate Amendment 1, as amended; passage of CS/HB 367 after concurrence in Senate Amendment 1; CS for SB 1018; CS for CS for SB 1180; passage of CS for SB 1576 after concurrence in Senate Amendments 1 and 1A to House Amendment 1

Rep. Flanagan:

Yeas—HB 45; Amendment 1 to CS for SB 466; SB 536; CS for SB 778; HB 915; HB 947; passage of CS/CS/HB 1121 after reconsideration; HB 1607; CS/HB 1633; SB 1738

Nays—Prefile Amendment 76 to HB 1807

Change from Yeas to Nays—Amendment 1 to CS/CS/HB 273; CS for SB 1018

Rep. Gannon:

Yeas—CS for SB 2; CS for SB 890; CS for CS for SB 1204

Rep. Garcia:

Yeas—CS for SB 224; CS for SB 238; House Amendment 1 to Senate Amendment 1 to CS/HB 271; CS/HB 271; motion to concur in Senate Amendment 1 to HB 489; passage of HB 489 after concurrence in Senate Amendment 1; Amendment 1 to Substitute Amendment 1 to HB 1083; CS/CS/HB 1193; CS for CS for SB 1346; CS for SB 1788; HB 1845; HB 1861; HB 1943; SB 2308

Nays—Amendment 2 to HB 159; motion to concur in Senate Amendment 1 to House Amendment 1, Senate Amendment 1A to Senate Amendment 1 to House Amendment 1, and Senate Amendment 1B to Senate Amendment 1 to House Amendment 1 to SB 1162; Amendment 1 to HB 1809

Rep. Gelber:

Yeas—passage of CS/CS/HB 267 after concurrence in Senate Amendments 1 and 2; CS for SB 800

Rep. Gibson:

Yeas—HB 163

Rep. Goodlette:

Yeas—SB 210; CS/HB 337; CS/HB 345; CS for SB 836; HB 1039; CS/CS/HB 1121; CS for SB 1284; SB 1344; HB 1431; CS for SB 1540; CS for SB 1562; HB 1655; CS for SB 1788; HB 1919; SB 2240

Nays—CS/HB 455; SB 708; motion to reconsider the vote by which Amendment 1 to HB 1943 failed of adoption; adoption of Amendment 1 to HB 1943 after reconsideration

Rep. Gottlieb:

Yeas—HB 941; Prefile Amendment 63 to HB 1807; HB 1845

Nays—HB 1099

Rep. Harrell:

Yeas—motion to waive the rules and the Special Order Calendar be adopted; HB 115; HB 189; CS/HB 347; motion for the previous question on SB 412; SB 412; CS/HB 479; CS/CS/HB 503; HB 585; HB 629; HB 763; HB 775; HB 777; HB 799; HB 845; HB 847; HB 849; HB 851; HB 855; HB 857; HB 859; HB 879; HB 885; HB 887; HB 897; HB 901; HB 903; HB 905; HB 911; HB 919; HB 927; HB 929; HB 931; HB 937; HB 939; HB 943; HB 945; HB 975; HB 1037; HB 1041; HB 1115; HB 1183; HB 1323; HB 1757; HB 1815; HB 1851; HB 1855; HB 1857; HB 1859; HB 1887; HB 1897; HB 1899; HB 1903; CS/HB 1921; motion to waive Special Rule 01-11 and read HB 1935 a third time by title; HB 1935

Nays—motion to consider a late-filed amendment to the amendment to CS/HB 347; Amendment 2 to CS/HB 1921; Amendment 3 to Amendment 4 to CS/HB 1925; Amendment 4 to CS/HB 1925; motion to consider a late-filed amendment to CS/HB 1925

Rep. Harrington:

Yeas—CS/CS/HB 267; SB 330; HB 421; HB 469; HB 499; CS/HB 501; HB 559; CS/HB 563; passage of CS/HB 589 after concurrence in Senate Amendments 1 and 2; HB 695; passage of HB 757 after concurrence in Senate Amendment 1; CS for SB 778; CS/HB 795; CS for SB 806; CS for SB 822; CS for SB 838; HB 863; CS for SB 890; CS for SB 892; CS for SB 978; passage of CS/HB 979 after concurrence in Senate Amendment 1; HB 1083; motion to concur in Senate Amendment 1 to House Amendment 1, Senate Amendment 1A to Senate Amendment 1 to House Amendment 1, and Senate Amendment 1B to Senate Amendment 1 to House Amendment 1 to SB 1162; HB 1221; SB 1344; CS/HB 1361; CS for SB 1506; CS for SB 1558; HB 1919; CS for CS for SB 2156

Nays—HB 163; SB 636; Amendment 1 to Substitute Amendment 1 to HB 1083; motion to consider a late-filed amendment to HB 1083; Prefile Amendment 59 to HB 1807; Prefile Amendment 79 to HB 1807

Rep. Joyner:

Yeas—CS for SB 2; CS for CS for SB 1204

Rep. Justice:

Yeas—CS for CS for SB 710; motion to temporarily postpone CS/HB 1189; HB 1919

Rep. Kallinger:

Yeas—HB 941; passage of HB 1157 after concurrence in Senate Amendment 1

Nays—Amendment 1 to SB 1738

Rep. Kendrick:

Yeas—CS for SB 1030; CS for SB 1692

Rep. Kosmas:

Yeas—HB 47; CS for SB 354; HB 421; SB 428; passage of CS/HB 589 after concurrence in Senate Amendments 1 and 2; motion to reconsider the vote by which Amendment 1 to CS/CS/HB 807 was laid on the table; HB 821; CS for CS for SB 1214; CS/HB 1803; HB 1935

Nays—Prefile Substitute Amendment 85 to HB 1807

Rep. Kyle:

Yeas—CS for SB 84; CS for SB 238; HB 489; HB 625; CS for SB 1506

Rep. Lee:

Yeas—CS/HB 9; CS for SB 94; HB 163; passage of HB 251 after concurrence in Senate Amendment 1; motion to consider a late-filed amendment to CS/HB 347; HB 499; SB 544; SB 546; SB 548; SB 558; SB 560; SB 562; SB 564; SB 566; SB 568; SB 572; SB 574; SB 576; SB 578; SB 580; SB 582; SB 584; SB 586; SB 590; SB 592; SB 594; SB 596; SB 598; SB 600; SB 602; SB 604; SB 606; SB 608; SB 610; SB 612; SB 614; SB 616; HB 625; SB 638; passage of HB 757 after concurrence in Senate Amendment 1; CS for CS for SB 784; SB 814; CS for CS for SB 912; CS for SB 962; motion to consider a late-filed amendment to Substitute Amendment 1 to HB 1083; HB 1083; CS for CS for SB 1092; HB 1125; CS/HB 1199; SB 1564; CS for SB 1662; HB 1741; Prefile Amendment 54 to HB 1807; Prefile Amendment 76 to HB 1807

Nays—CS/HB 1927

Change from Nays to Yeas—HB 1971; HB 1981

Rep. Lerner:

Change from Nays to Yeas—passage of CS for SB 1576 after concurrence in Senate Amendments 1 and 1A to House Amendment 1

Rep. Mahon:

Yeas—CS for CS for SB 1672

Rep. Mayfield:

Yeas—HB 163; SB 330; passage of CS/HB 347 after concurrence in Senate Amendment 1; HB 421; motion to accept Conference Committee Report on CS for SB 466; passage of CS for SB 466 after amendment by Conference Committee Report; passage of CS/HB 589 after concurrence in Senate Amendments 1 and 2; SB 636; CS for SB 806; motion to reconsider the vote by which Amendment 1 to CS/CS/HB 807 was laid on the table; CS for SB 838; HB 863; CS for SB 892; CS for SB 978; CS/HB 979; CS for SB 1226; SB 1344; CS for SB 1720; CS for SB 1788; HB 1971; SB 2000; CS for SB 2074

Nays—motion for the previous question on House Amendment 1 to Senate Amendment 1 to CS/HB 271 and CS/HB 271; House Amendment 1 to Senate Amendment 1 to CS/HB 271; CS/HB 271

Rep. Maygarden:

Yeas—CS for SB 2; SB 428; passage of CS/HB 589 after concurrence in Senate Amendments 1 and 2; HB 701; motion to reconsider the vote by which Amendment 22 to Amendment 1 to SB 782 was adopted; CS for SB 836; CS for SB 1318; HB 1585; HB 1861; passage of HB 1861 after reconsideration; SB 2274; SB 2342

Nays—SB 636

Rep. Murman:

Yeas—motion for rules to be waived and CS/HB 339 be immediately certified to the Senate; CS for SB 354; passage of CS/CS/HB 1053 after reconsideration; HB 1635; passage of HB 1741 after concurrence in Senate Amendment 1

Nays—Amendment 1, as amended, to CS for SB 924

Rep. Peterman:

Change from Nays to Yeas—motion to concur in Senate Amendment 1 to House Amendment 1, Senate Amendment 1A to Senate Amendment

1 to House Amendment 1, and Senate Amendment 1B to Senate Amendment 1 to House Amendment 1 to SB 1162

Rep. Rich:

Yeas—HB 1785

Rep. Ross:

Yeas—motion to move the previous question on the amendments to CS/HB 271 and CS/HB 271; House Amendment 1 to Senate Amendment 1 to CS/HB 271; passage of CS/HB 271 after concurrence in Senate Amendment 1, as amended; HB 559; passage of CS/HB 589 after concurrence in Senate Amendments 1 and 2; SB 636; HB 863; CS for SB 892; SB 958; CS for SB 978; HB 1083; Amendment 1, as amended, to CS/HBs 1617 & 1487; HB 1707; HB 1733; HB 1845

Nays—Amendment 2 to HB 159; Amendment 3 to HB 159; motion to consider a late-filed amendment to Substitute Amendment 1 to HB 1083; Amendment 1 to Substitute Amendment 1 to HB 1083; Prefile Substitute Amendment 81 to HB 1807; motion to consider a late-filed amendment to HB 1807

Rep. Rubio:

Yeas—CS for CS for SB 108; SB 330; motion to concur in Senate Amendment 1 to HB 489; SB 654; CS for SB 886; HB 1197; SB 1200; CS for SB 1284; passage of CS for SB 1576 after concurrence in Senate Amendments 1 and 1A to House Amendment 1; CS/HB 1633; HB 1673; CS for SB 1836; CS for CS for SB 1878

Nays—Amendment 1 to Substitute Amendment 1 to HB 1083

Rep. Seiler:

Yeas—HB 1739

Rep. Slosberg:

Yeas—CS for CS for SB's 336 & 190; HB 403; CS/HB 455; HB 489; CS/HB 501; HB 1083; passage of HB 1225 after concurrence in Senate Amendments 1, 2, 3, 4, 5, 9, 10, and 11; SB 1564; CS for SB 1610

Rep. Spratt:

Yeas—SB 1148

Rep. Trovillion:

Yeas—HB 421; SB 510; HB 863; HM 1161; HB 1811; CS for CS for SB 1878

Nays—CS for SB 202; motion to temporarily postpone CS/HB 1189

Rep. Wallace:

Yeas—HB 301; CS/HB 987; CS/CS/HB 1053

Explanation of Vote on CS for CS for CS for SB 1202

Today [May 2, 2001], the Florida House of Representatives took a monumental step towards insuring quality care for the residents of Florida nursing homes. I was proud to cast my vote in favor of SB 1202. SB 1202 is a good bill, however, I believe there are several issues that we still must address. First, although the staffing standards are an improvement from past requirements, we can do better and our seniors deserve better. Second, we must further increase the compensation levels of those who take care of our seniors in nursing homes. Nursing home aides are not satisfied with the standards and pay set by SB 1202, however SB 1202 is an improvement from past standards and pay, and they are content to work for better benefits and work conditions in the future. Finally, I have discomfort with the provisions of this bill that treat the large self insured for-profit nursing homes the same as the non-profit Continuing Care Retirement Communities (CCRC). The CCRC's are placed at a disadvantage because of the escalating cost of liability insurance. These provisions create inequity and we must address them.

*Rep. Bendross-Mindingall
District 109*

Explanation of Vote on CS for SB 1558

Subsequent to the passage of Committee Substitute for Senate Bill 1558, it was reported in Florida newspapers that section 146 of this bill which mandates entry into Florida Medical Schools for eligible military academy graduates was written specifically to assist the admission of one particular student. This information was not known by myself or most other legislators prior to our vote. While I support the opportunity for qualified military academy graduates to attend medical school, I am troubled by the insinuation of political patronage.

*Rep. Lois J. Frankel
District 85*

Prime Sponsors

HB 577—Slosberg
CS/HB 623—Berfield
CS/HB 1255—Berfield
HB 1809—Lynn

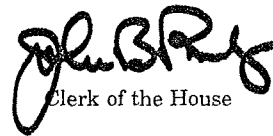
Cosponsors

HB 21—Bense
HB 75—Frankel
CS/HB 85—Gelber
CS/HB 135—Gannon
CS/HB 137—Joyner
HB 159—Murman
CS/CS/HB 167—Lerner, Rich
CS/HB 175—Holloway
CS/CS/HB 179—Sobel
CS/HB 183—Rich
CS/HB 185—Rich
HB 189—Benson
CS/HB 199—Lynn
CS/HB 203—Murman
CS/HB 239—Bilirakis, Gelber
HB 251—Benson
CS/CS/HB 267—Benson
CS/CS/HB 269—Benson
CS/HB 337—Benson
CS/HB 367—Murman
HB 369—Murman
CS/HB 379—Murman
CS/HB 409—Murman

CS/CS/HB 411—Harrell
CS/HB 437—Benson
HB 441—Wiles
HB 449—Farkas
HB 461—Frankel
HB 483—Frankel
HB 485—Brown
CS/HB 523—Waters
CS/HB 605—Baker, Clarke, Frankel
HB 651—Wishner
HB 695—Gelber
CS/HBs 715 & 1355—Benson, Murman
HJR 951—Murman
HB 1003—Murman
CS/HB 1015—Benson
CS/CS/HB 1053—Gelber, Murman
CS/HB 1095—Brummer, Cantens, Frankel, Sorensen, Trovillion
CS/CS/HB 1193—Benson
HB 1205—Murman
HB 1237—Betancourt, Bullard, Gannon
CS/HB 1253—Lynn
CS/HB 1389—Murman
CS/CS/HB 1509—Murman
CS/HB 1529—Kravitz
HB 1593—Harrell, Kottkamp
HB 1635—Murman
CS/CS/HB 1661—Murman
HB 1663—Murman
HB 1669—Murman
HB 1673—Farkas
HB 1689—Rich
CS/HB 1803—Murman
CS/HB 1805—Murman
HB 1831—Murman
HB 1865—Gelber
CS/HB 1879—Fiorentino
HB 1915—Murman
CS/HB 1921—Murman
HB 1969—Murman
HR 9005—Miller
HR 9007—Garcia, Lee
HR 9017—Fasano
HR 9033—Dockery, Harrington, Joyner, Kyle, Slosberg

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages numbered 1 through 2603, 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 103rd Regular Session since Statehood in 1845, held March 6 through May 4, 2001. 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 19, 2001

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to the

JOURNAL OF THE HOUSE OF REPRESENTATIVES

**One Hundred Third Regular Session
since Statehood in 1845**

March 6 through May 4, 2001

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Members of the House, Bills Sponsored and Council and Committee Assignments

[Source: Legislative Information Services Division, Office of Legislative Services]

ALEXANDER, JD—66th District

Sponsored: 281, 963, 1389, 1471, 1473, 1693, 1695, 9089

Cosponsored: 17, 145, 267, 269, 271, 277, 337, 353, 363, 371, 379, 409, 411, 437, 463, 465, 475, 477, 487, 507, 575, 597, 637, 705, 719, 721, 1005, 1077, 1153, 1193, 1231, 1339, 1393, 1405, 1543, 1807, 1809, 1821, 1843, 1871, 1873, 9005, 9007, 9017, 9069, 9073

Local Bills: 777, 851, 867, 885, 895, 899, 911, 913

Councils: Council for Competitive Commerce, Chair; Council for Lifelong Learning; Fiscal Responsibility Council

Committees: Education Appropriations; Health Regulation

ALLEN, BOB—32nd District

Sponsored: 239, 379, 473, 691, 1035, 1111, 1407, 1629

Cosponsored: 17, 21, 25, 37, 45, 61, 67, 95, 411, 449, 489, 591, 633, 651, 727, 987, 991, 1005, 1039, 1043, 1047, 1083, 1173, 1177, 1419, 1439, 1485, 1889, 9005, 9007, 9017, 9033, 9069, 9073, 9097

Councils: Council for Competitive Commerce

Committees: Health Promotion; Tourism; Transportation & Economic Development Appropriations; Workforce & Technical Skills

ANDREWS, WILLIAM F.—87th District

Sponsored: 359, 495, 497, 499, 1051, 1127, 1215, 1847, 9017

Cosponsored: 17, 61, 67, 175, 267, 269, 303, 489, 507, 591, 1533, 1535, 1689, 1889, 9005, 9007, 9021, 9033, 9069, 9073

Councils: Council for Lifelong Learning

Committees: Workforce & Technical Skills, Chair; Transportation & Economic Development Appropriations, Vice Chair; House Redistricting; Transportation

ARGENZIANO, NANCY—43rd District

Sponsored: 41, 53, 57, 69, 117, 133, 161, 269, 729, 1089, 1863, 4001, 4003

Cosponsored: 17, 247, 339, 349, 411, 421, 507, 591, 605, 623, 649, 651, 703, 743, 749, 973, 991, 1043, 1073, 1095, 1485, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 479, 629, 713, 855

Councils: Council for Healthy Communities, Chair

Committees: General Government Appropriations; Judicial Oversight; Natural Resources & Environmental Protection

ARZA, RAFAEL—102nd District

Sponsored: 1193, 1351, 1361, 1365, 1611, 1629, 1689, 9067

Cosponsored: 95, 147, 269, 271, 279, 303, 337, 409, 441, 465, 471, 489, 541, 745, 1085, 1099, 1111, 1199, 1231, 1485, 1545, 1603, 1777, 1889, 1943, 9005, 9007, 9017, 9069, 9073

Local Bills: 821

Committees: Business Regulation; Education Appropriations; Education Innovation; Natural Resources & Environmental Protection

ATTKISSON, FRANK—79th District

Sponsored: 341, 509, 949, 963, 971, 1491, 1633

Cosponsored: 17, 37, 149, 267, 271, 277, 313, 409, 453, 465, 507, 527, 545, 591, 651, 705, 1005, 1039, 1095, 1145, 1227, 1405, 1511, 1603, 1615, 1689, 1807, 1809, 1821, 9005, 9007, 9017, 9033, 9069, 9073

Councils: Council for Lifelong Learning; Fiscal Responsibility Council

Committees: Education Innovation, Vice Chair; Health Promotion; Utilities & Telecommunications

ATWATER, JEFFREY H.—83rd District

Sponsored: 277, 563, 577, 1079, 1193, 1237, 1361, 1689, 1691

Cosponsored: 11, 17, 21, 23, 35, 37, 43, 47, 69, 75, 251, 269, 279, 349, 409, 421, 457, 485, 489, 527, 545, 553, 575, 621, 715, 1003, 1039, 1043, 1055, 1095, 1111, 1225, 1389, 1405, 1421, 1467, 1509, 1539, 1541, 1603, 1889, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 879

Councils: Council for Competitive Commerce

Committees: Economic Development & International Trade, Vice Chair; Elder & Long-Term Care; Fiscal Policy & Resources

AUSLEY, LORANNE—9th District

Sponsored: 439, 1357, 1459, 1461, 1503, 1573

Cosponsored: 35, 67, 79, 679, 715, 985, 1045, 1095, 1109, 1123, 1505, 1605, 1689, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 909

Committees: Criminal Justice Appropriations; Information Technology; Judicial Oversight

BAKER, CAREY—25th District

Sponsored: 441, 465, 491, 575, 655, 1059, 9013, 9041

Cosponsored: 17, 21, 65, 145, 251, 421, 489, 527, 605, 635, 637, 701, 1005, 1039, 1043, 1083, 1085, 1111, 1151, 1199, 1251, 1405, 1467, 1485, 1669, 1847, 9005, 9007, 9017, 9033, 9069, 9073

Committees: Juvenile Justice, Vice Chair; Fiscal Policy & Resources; Transportation; Workforce & Technical Skills

BALL, RANDY JOHN—29th District

Sponsored: 3, 9, 147, 433, 651, 1437, 1465, 1729, 1743, 1807, 1809, 4005

Cosponsored: 17, 61, 421, 489, 1043, 1173, 1821, 9003, 9005, 9007, 9017, 9069, 9073

Councils: Fiscal Responsibility Council

Committees: Criminal Justice Appropriations, Chair; House Redistricting, Co-Chair; Agriculture & Consumer Affairs; Education Innovation; Juvenile Justice

BARREIRO, GUSTAVO A.—107th District

Sponsored: 31, 35, 39, 121, 213, 267, 289, 343, 617, 757, 1131, 1889, 1891, 1893, 9051, 9067

Cosponsored: 17, 57, 65, 75, 159, 255, 313, 453, 471, 489, 507, 591, 649, 651, 679, 705, 727, 745, 987, 1043, 1055, 1095, 1099, 1413, 1467, 1481, 1593, 1603, 9005, 9007, 9017, 9033, 9069, 9073, 9097

Councils: Council for Smarter Government

Committees: Juvenile Justice, Chair; Criminal Justice Appropriations; Utilities & Telecommunications; Workforce & Technical Skills

BAXLEY, DENNIS K.—24th District

Sponsored: 329, 331, 463, 1009, 1017, 1587, 1971, 9045, 9099

Cosponsored: 17, 21, 37, 61, 267, 269, 271, 279, 303, 313, 411, 441, 465, 489, 527, 545, 575, 591, 651, 703, 985, 991, 1039, 1043, 1145, 1193, 1199, 1237, 1415, 1467, 1711, 1715, 1719, 1727, 1729, 1741, 1761, 1943, 9003, 9005, 9007, 9017, 9021, 9033, 9069, 9073

Local Bills: 1899, 1901

Committees: Colleges & Universities, Vice Chair; Child & Family Security; Education Appropriations; House Redistricting; Natural Resources & Environmental Protection

BEAN, AARON P.—12th District

Sponsored: 421, 597, 625, 701, 955, 1233

Cosponsored: 3, 13, 17, 37, 47, 67, 93, 95, 131, 183, 185, 267, 301, 361, 465, 507, 545, 575, 591, 695, 751, 959, 985, 991, 993, 1043, 1077, 1083, 1085, 1095, 1123, 1145, 1169, 1199, 1225, 1227, 1389, 1485, 1765, 1889, 9005, 9007, 9017, 9033, 9069, 9073, 9079, 9097

Councils: Council for Ready Infrastructure

Committees: Crime Prevention, Corrections & Safety, Vice Chair; Banking; General Education

BENDROSS-MINDINGALL, DOROTHY—109th District

Sponsored: 135, 321, 429, 431, 537, 957, 1971

Cosponsored: 35, 49, 51, 67, 75, 129, 157, 215, 263, 267, 285, 289, 421, 471, 483, 489, 505, 577, 619, 639, 673, 679, 705, 715, 723, 1093, 1095, 1099, 1123, 1165, 1211, 1213, 1251, 1335, 1337, 1355, 1385, 1467, 1505, 1555, 1847, 1889, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 559

Councils: Council for Lifelong Learning

Committees: Workforce & Technical Skills, Vice Chair; Congressional Redistricting; Natural Resources & Environmental Protection

BENNETT, MICHAEL S.—67th District

Sponsored: 1155, 1243, 1433, 1507, 1607, 1641

Cosponsored: 17, 21, 43, 113, 145, 269, 271, 277, 279, 303, 363, 411, 527, 547, 553, 649, 651, 705, 757, 1005, 1039, 1059, 1083, 1095, 1151, 1167, 1173, 1213, 1223, 1251, 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1405, 1605, 1643, 1689, 1847, 1909, 1919, 1941, 9005, 9017, 9069, 9073, 9097

Local Bills: 777, 921, 923, 1037, 1849, 1851

Committees: General Government Appropriations; Local Government & Veterans Affairs; Transportation; Workforce & Technical Skills

BENSE, ALLAN G.—6th District

Sponsored: 45, 47, 269, 449, 963, 1239, 1647, 1649, 1651, 1971, 9011, 9029, 9047

Cosponsored: 17, 21, 37, 137, 143, 329, 371, 427, 485, 489, 553, 591, 615, 621, 649, 651, 815, 1003, 1035, 1039, 1043, 1047, 1077, 1083, 1095, 1107, 1111, 1123, 1199, 1203, 1227, 1415, 1419, 1485, 1549, 1689, 1797, 1807, 1809, 1821, 9003, 9005, 9007, 9017, 9033, 9069, 9073, 9097

Councils: Council for Ready Infrastructure, Chair; Council for Healthy Communities; Fiscal Responsibility Council

Committees: Judicial Oversight; Transportation & Economic Development Appropriations

BENSON, ANNA HOLLIDAY—3rd District

Sponsored: 159, 703, 805, 1235, 1341, 1377, 1477, 9007

Cosponsored: 21, 37, 47, 67, 113, 189, 247, 251, 267, 269, 337, 421, 435, 437, 457, 545, 577, 591, 715, 809, 1015, 1039, 1043, 1141, 1145, 1193, 1225, 1371, 1405, 1419, 1421, 1485, 1539, 1541, 1797, 9003, 9005, 9017, 9033, 9069, 9073, 9097

Local Bills: 919, 933, 935, 937, 939, 1815

Councils: Council for Competitive Commerce

Committees: Economic Development & International Trade; Health & Human Services Appropriations; Health Promotion

BERFIELD, KIM—50th District

Sponsored: 623, 1197, 1255, 1439, 1519, 1637, 1639, 1787

Cosponsored: 17, 21, 67, 95, 247, 267, 421, 465, 489, 545, 651, 1043, 1083, 1111, 1145, 1175, 1405, 1803, 1805, 1819, 1889, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 559

Committees: Business Regulation; Insurance; Transportation & Economic Development Appropriations

BETANCOURT, ANNIE—116th District

Sponsored: 119, 1049, 1371, 9055, 9067

Cosponsored: 3, 11, 17, 35, 49, 67, 75, 255, 267, 277, 289, 381, 457, 465, 471, 541, 591, 621, 679, 687, 715, 723, 727, 1095, 1099, 1225, 1237, 1375, 1421, 1505, 1511, 1539, 1541, 1889, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 925

Committees: Colleges & Universities; Economic Development & International Trade; Fiscal Policy & Resources; Local Government & Veterans Affairs

BILIRAKIS, GUS MICHAEL—48th District

Sponsored: 15, 649, 651, 653, 759, 951, 953, 1089, 1369, 1613, 1705, 1747

Cosponsored: 13, 17, 183, 185, 239, 363, 411, 553, 613, 637, 811, 985, 1039, 1043, 1077, 1095, 1153, 1165, 1169, 1395, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 559, 777, 851, 867, 885, 899, 911, 913

Councils: Council for Healthy Communities

Committees: Crime Prevention, Corrections & Safety, Chair; Congressional Redistricting; Criminal Justice Appropriations; General Education

BOWEN, MARSHA L.—65th District

Sponsored: 593, 963, 1361, 1425, 1479, 1501

Cosponsored: 17, 21, 247, 269, 271, 277, 279, 303, 361, 411, 507, 545, 591, 649, 651, 685, 719, 1005, 1039, 1043, 1151, 1175, 1227, 1251, 1263, 1689, 1943, 9003, 9005, 9007, 9017, 9033, 9069, 9073

Committees: Agriculture & Consumer Affairs; Criminal Justice Appropriations; Education Innovation; Juvenile Justice

BROWN, DONALD D.—5th District

Sponsored: 739, 747, 767, 1151, 1209, 1219

Cosponsored: 17, 21, 37, 113, 157, 303, 307, 339, 485, 489, 527, 575, 615, 705, 727, 809, 1005, 1039, 1145, 1199, 1227, 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1419, 1485, 1645, 1773, 1797, 1803, 1805, 1819, 1927, 1943, 9003, 9005, 9007, 9017, 9025, 9033, 9069, 9073

Local Bills: 887, 979, 1887, 1897

Committees: General Government Appropriations; Insurance; State Administration

BRUMMER, FREDERICK C.—38th District

Sponsored: 27, 29, 245, 367, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 501, 627, 681, 827, 1407, 1537, 1615, 1943, 1945, 1951, 1985, 9067

Cosponsored: 17, 79, 149, 213, 269, 271, 277, 353, 409, 411, 437, 489, 527, 649, 651, 1039, 1043, 1095, 1151, 1193, 1533, 1633, 1695, 1811, 1845, 1931, 9005, 9007, 9013, 9017, 9033, 9069, 9073

Councils: Council for Lifelong Learning; Council for Smarter Government; Procedural & Redistricting Council

Committees: State Administration, Chair; Fiscal Policy & Resources; Natural Resources & Environmental Protection

BRUTUS, PHILLIP J.—108th District

Sponsored: 49, 171, 173, 197, 459, 565, 581, 583, 1071, 1133, 1193, 1525, 1585, 1783, 4009, 9075

Cosponsored: 51, 67, 75, 141, 203, 215, 245, 255, 263, 269, 273, 275, 277, 381, 421, 457, 471, 483, 489, 541, 575, 597, 619, 623, 723, 959, 993, 1039, 1043, 1045, 1093, 1109, 1335, 1337, 1375, 1581, 1603, 1689, 1889, 9005, 9007, 9017, 9033, 9069, 9073

Councils: Council for Ready Infrastructure

Committees: Banking, Vice Chair; Colleges & Universities; Elder & Long-Term Care; Health & Human Services Appropriations; House Redistricting

BUCHER, SUSAN—86th District

Sponsored: 319, 493, 981, 1007, 1557

Cosponsored: 13, 23, 49, 75, 79, 119, 133, 149, 157, 179, 193, 249, 263, 279, 341, 423, 439, 461, 489, 551, 617, 649, 651, 687, 701, 809, 985, 993, 1093, 1095, 1173, 1175, 1505, 1603, 1889, 9005, 9017, 9033, 9069, 9073

Local Bills: 873, 875, 889, 917

Committees: Education Appropriations; Health Promotion; Transportation

BULLARD, EDWARD B.—118th District

Sponsored: 221, 255, 257, 511, 513, 769, 9057, 9059

Cosponsored: 3, 37, 49, 51, 65, 67, 75, 129, 141, 215, 245, 263, 269, 285, 301, 329, 341, 439, 457, 471, 489, 549, 577, 617, 619, 673, 715, 985, 987, 1005, 1039, 1043, 1093, 1095, 1131, 1145, 1175, 1199, 1203, 1237, 1251, 1385, 1419, 1481, 1505, 1581, 1603, 1687, 1689, 1889, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 761

Committees: Criminal Justice Appropriations; Education Innovation; Juvenile Justice; Tourism

BYRD, JOHNNIE B. JR.—62nd District

Sponsored: 269, 415, 651, 963, 1117, 1119, 1121, 1429, 1431, 1935, 1937, 1939, 1971, 9003

Cosponsored: 13, 21, 29, 37, 47, 73, 135, 141, 145, 167, 215, 267, 271, 277, 279, 295, 301, 303, 329, 341, 363, 411, 421, 459, 505, 507, 545, 601, 605, 623, 637, 989, 1035, 1039, 1043, 1095, 1165, 1485, 1807, 1809, 1821, 1943, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 777, 851, 867, 895

Councils: Procedural & Redistricting Council, Chair; Fiscal Responsibility Council

CANTENS, GASTON I.—114th District

Sponsored: 109, 241, 269, 367, 501, 649, 651, 815, 817, 953, 1221, 1223, 1817, 1907, 9067

Cosponsored: 5, 7, 13, 17, 21, 25, 29, 37, 43, 57, 65, 67, 73, 75, 107, 113, 131, 137, 147, 149, 167, 189, 255, 295, 313, 409, 415, 427, 471, 489, 573, 575, 591, 637, 705, 727, 959, 987, 1019, 1039, 1043, 1083,

1095, 1099, 1165, 1485, 1603, 1807, 1809, 1821, 1889, 9005, 9007, 9017, 9033, 9069, 9073

Councils: Council for Smarter Government, Chair; Fiscal Responsibility Council

Committees: Banking; Rules, Ethics & Elections

CARASSAS, JOHN—54th District

Sponsored: 217, 545, 587, 961, 1027, 1031, 1207, 1495

Cosponsored: 17, 21, 37, 45, 69, 189, 489, 553, 575, 649, 651, 1005, 1039, 1089, 1141, 1151, 1369, 1401, 1421, 1539, 1541, 9005, 9007, 9017, 9033, 9069, 9073, 9097

Local Bills: 559, 853

Committees: Local Government & Veterans Affairs, Vice Chair; Claims; Economic Development & International Trade; Fiscal Policy & Resources

CLARKE, DONNA—69th District

Sponsored: 67, 145, 307, 525, 811, 969, 1401, 1405, 1411, 1655, 9043

Cosponsored: 13, 17, 21, 37, 45, 69, 247, 313, 353, 411, 465, 489, 507, 575, 591, 605, 809, 967, 1005, 1039, 1175, 1231, 1415, 1485, 1689, 1799, 1803, 1805, 1927, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 1857

Committees: Business Regulation; Congressional Redistricting; Insurance

CROW, LARRY—49th District

Sponsored: 23, 25, 293, 309, 357, 579, 1823, 1833, 1835, 1865, 1869

Cosponsored: 5, 17, 21, 67, 79, 85, 95, 141, 167, 199, 223, 317, 411, 427, 483, 489, 551, 591, 649, 651, 1043, 1095, 1187, 1339, 1369, 1401, 1525, 1807, 1809, 1821, 1889, 9005, 9007, 9017, 9033, 9063, 9069, 9073

Local Bills: 559, 849

Councils: Council for Smarter Government; Fiscal Responsibility Council; Procedural & Redistricting Council

Committees: Judicial Oversight, Chair; House Redistricting, Co-Chair

CUSACK, JOYCE—26th District

Sponsored: 129, 215, 505, 1011, 1245

Cosponsored: 49, 51, 67, 159, 183, 263, 285, 411, 439, 483, 489, 507, 551, 619, 673, 687, 715, 723, 809, 985, 1093, 1095, 1123, 1145, 1165, 1203, 1211, 1213, 1251, 1355, 1385, 1505, 1581, 9005, 9007, 9013, 9017, 9033, 9069, 9073

Local Bills: 891

Committees: General Education; Health Promotion; Senate Redistricting; Transportation; Transportation & Economic Development Appropriations

DAVIS, DON—18th District

Sponsored: 17, 143, 267, 973, 1107

Cosponsored: 21, 67, 271, 277, 339, 421, 489, 591, 985, 987, 993, 1039, 1043, 1047, 1083, 1087, 1091, 1095, 1111, 1169, 1199, 1231, 1419, 1689, 9001, 9003, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 901, 903, 941

Committees: Congressional Redistricting; Local Government & Veterans Affairs; Tourism; Transportation & Economic Development Appropriations

DETERT, NANCY C.—70th District

Sponsored: 13, 15, 33, 111, 455, 1585, 1703, 1799

- Cosponsored: 79, 95, 145, 247, 267, 313, 373, 381, 409, 411, 427, 463, 475, 485, 489, 575, 591, 599, 621, 649, 651, 675, 715, 737, 759, 991, 1073, 1095, 1145, 1165, 1389, 1409, 1411, 1413, 1689, 1705, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 1855
- Councils: Council for Healthy Communities
- Committees: Child & Family Security, Chair; Banking; Education Appropriations; General Education
- DIAZ de la PORTILLA, RENIER—115th District**
- Sponsored: 155, 303, 741, 745, 1099, 1631
- Cosponsored: 1, 17, 35, 57, 67, 69, 159, 169, 255, 265, 269, 271, 277, 289, 295, 313, 337, 453, 489, 507, 545, 553, 575, 591, 621, 649, 651, 653, 703, 705, 727, 809, 971, 1005, 1043, 1095, 1139, 1159, 1193, 1409, 1481, 1601, 1605, 1689, 1889, 9005, 9007, 9017, 9069, 9073, 9097
- Local Bills: 231, 801
- Councils: Council for Lifelong Learning
- Committees: Education Innovation, Chair; Fiscal Policy & Resources; Health Promotion; Utilities & Telecommunications
- DIAZ-BALART, MARIO—112th District**
- Sponsored: 269, 369, 1189, 1205, 1239, 1255, 1509, 9067
- Cosponsored: 17, 37, 159, 303, 459, 471, 705, 987, 1019, 1039, 1187, 1485, 1603, 1689, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Councils: Procedural & Redistricting Council, Vice Chair; Council for Smarter Government
- Committees: Congressional Redistricting, Chair
- DOCKERY, PAULA BONO—64th District**
- Sponsored: 507, 749, 963, 1163, 1263, 1265, 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1389, 1489, 1617, 1707, 1709, 1711, 1715, 1717, 1719, 1721, 1723, 1725, 1751, 1761, 1807, 1809, 1825, 1837, 1839, 1841, 1909, 1919, 1941
- Cosponsored: 17, 37, 45, 73, 95, 131, 133, 189, 247, 411, 449, 453, 591, 593, 623, 705, 1199, 1533, 1535, 1603, 1821, 9003, 9005, 9007, 9017, 9033, 9069, 9073
- Councils: Council for Ready Infrastructure; Fiscal Responsibility Council
- Committees: General Government Appropriations, Chair; State Administration, Vice Chair; Rules, Ethics & Elections; Transportation
- FARKAS, FRANK—52nd District**
- Sponsored: 409, 435, 437, 1253, 1257, 1339, 1543, 1843, 1863, 1867, 1871, 1873, 1895, 9091
- Cosponsored: 17, 67, 69, 71, 183, 185, 193, 243, 267, 269, 271, 277, 303, 411, 449, 489, 507, 591, 621, 649, 651, 703, 809, 985, 1043, 1077, 1083, 1095, 1145, 1369, 1673, 1689, 1747, 1819, 1889, 1943, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 559
- Councils: Council for Healthy Communities; Council for Lifelong Learning
- Committees: Health Regulation, Chair; Health & Human Services Appropriations, Vice Chair; General Education
- FASANO, MIKE—45th District—(Republican Leader)**
- Sponsored: 21, 55, 69, 347, 503, 563, 589, 1363, 9009, 9015, 9093
- Cosponsored: 17, 489, 9003, 9005, 9007, 9017, 9033, 9069, 9073
- Councils: Council for Healthy Communities; Procedural & Redistricting Council
- FEENEY, TOM—33rd District—(Speaker)**
- Sponsored: 1407
- Cosponsored: 9005, 9007, 9017, 9033, 9069, 9073
- FIELDS, TERRY L.—14th District**
- Sponsored: 779, 781, 1335, 1337
- Cosponsored: 5, 11, 19, 49, 51, 67, 69, 75, 85, 143, 157, 233, 263, 267, 285, 307, 313, 321, 429, 431, 489, 617, 619, 673, 687, 723, 725, 993, 1093, 1123, 1165, 1169, 1211, 1251, 1405, 1803, 1805, 1819, 1847, 1927, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 559, 823, 903, 1195
- Committees: Business Regulation; House Redistricting; Insurance; Workforce & Technical Skills
- FIORENTINO, HEATHER—46th District**
- Sponsored: 25, 149, 183, 185, 427, 485, 589, 1369, 1375
- Cosponsored: 3, 17, 21, 45, 55, 69, 79, 85, 95, 131, 133, 137, 141, 147, 193, 203, 251, 267, 269, 277, 279, 299, 329, 341, 373, 409, 411, 421, 475, 489, 505, 575, 593, 605, 635, 651, 715, 797, 997, 1015, 1043, 1073, 1077, 1095, 1145, 1193, 1361, 1405, 1415, 1485, 1543, 1549, 1561, 1689, 1759, 1763, 1799, 1811, 1823, 1845, 1867, 1879, 1953, 1955, 1957, 1959, 9005, 9007, 9017, 9021, 9033, 9069, 9073
- Councils: Council for Lifelong Learning
- Committees: General Education, Chair; Health & Human Services Appropriations; Health Regulation; Information Technology
- FLANAGAN, MARK G.—68th District**
- Sponsored: 123, 205, 217, 681, 755, 963, 1379, 1579, 9005, 9023
- Cosponsored: 17, 21, 47, 61, 95, 145, 207, 239, 371, 411, 507, 597, 637, 651, 757, 967, 1145, 1199, 1485, 1545, 1689, 1873, 1889, 1943, 9007, 9017, 9033, 9069, 9073
- Local Bills: 1037
- Councils: Council for Competitive Commerce
- Committees: Banking, Chair; Congressional Redistricting; Education Appropriations; Juvenile Justice
- FRANKEL, LOIS J.—85th District—(Democratic Leader)**
- Sponsored: 1505, 1531, 1581, 1583, 1619, 9101
- Cosponsored: 75, 215, 279, 381, 439, 457, 461, 483, 605, 651, 679, 715, 723, 1095, 1165, 1179, 1511, 9005, 9007, 9017, 9033, 9069, 9073, 9097
- Local Bills: 873
- GANNON, ANNE M.—88th District**
- Sponsored: 349, 715, 735, 1061, 1101, 1103, 1105, 1329, 1355
- Cosponsored: 13, 35, 47, 49, 51, 67, 69, 75, 79, 119, 129, 135, 141, 157, 165, 167, 223, 247, 267, 279, 285, 381, 411, 425, 427, 439, 515, 543, 551, 599, 617, 619, 621, 639, 651, 685, 687, 695, 723, 725, 985, 1045, 1081, 1093, 1095, 1109, 1165, 1237, 1389, 1505, 1511, 1525, 1581, 1601, 1845, 1889, 9005, 9007, 9017, 9069, 9073
- Committees: Business Regulation; Fiscal Policy & Resources; Information Technology; Rules, Ethics & Elections
- GARCIA, RENE—110th District**
- Sponsored: 35, 337, 569, 1139, 1143, 1413, 1789, 9067
- Cosponsored: 17, 61, 67, 135, 157, 255, 277, 313, 471, 491, 545, 577, 599, 635, 703, 705, 1039, 1083, 1085, 1095, 1099, 1145, 1175, 1199, 1405, 1485, 1603, 1689, 1795, 1889, 9005, 9007, 9017, 9033, 9069, 9073, 9097

- Committees: Child & Family Security; Education Innovation; Health & Human Services Appropriations; Senate Redistricting; Utilities & Telecommunications
- GARDINER, ANDY**—40th District
- Sponsored: 377, 531, 807, 825, 967, 1407, 1671
- Cosponsored: 17, 113, 277, 1039, 1175, 1231, 1251, 1689, 9003, 9005, 9007, 9017, 9033, 9069, 9073
- Committees: Transportation, Vice Chair; Education Innovation; House Redistricting; Local Government & Veterans Affairs
- GELBER, DAN**—106th District
- Sponsored: 617, 759, 999, 1137, 1423, 1453, 1583, 1675, 1677
- Cosponsored: 35, 43, 65, 67, 75, 85, 99, 157, 203, 239, 255, 361, 439, 471, 489, 531, 639, 651, 679, 687, 695, 985, 1003, 1053, 1095, 1371, 1505, 1581, 1689, 1763, 1845, 1865, 1889, 9005, 9007, 9017, 9033, 9069, 9073, 9097
- Councils: Council for Healthy Communities
- Committees: Information Technology; Juvenile Justice
- GIBSON, HUGH H. III**—42nd District
- Sponsored: 295, 297, 299, 487, 573, 605, 963, 1229, 1669, 9087
- Cosponsored: 17, 21, 67, 79, 161, 239, 411, 483, 489, 591, 627, 685, 719, 729, 811, 985, 1039, 1043, 1083, 1151, 1197, 1227, 1231, 1405, 1451, 1689, 9005, 9007, 9013, 9017, 9033, 9069, 9073
- Committees: Agriculture & Consumer Affairs; Elder & Long-Term Care; Health & Human Services Appropriations
- GOODLETTE, J. DUDLEY**—76th District
- Sponsored: 137, 273, 275, 657, 659, 661, 663, 665, 667, 669, 671, 697, 699, 1323, 1635, 1643, 1755, 1757, 1853, 1921, 1925, 1987, 9101
- Cosponsored: 13, 17, 37, 47, 269, 371, 489, 521, 651, 1005, 1089, 1095, 1389, 1549, 1621, 9003, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 775, 1859
- Councils: Council for Ready Infrastructure; Procedural & Redistricting Council
- Committees: Rules, Ethics & Elections, Chair; Judicial Oversight; Utilities & Telecommunications
- GOTTLIEB, KENNETH ALLAN**—101st District
- Sponsored: 207, 311, 419, 549, 551, 959, 1367, 1907
- Cosponsored: 23, 35, 49, 51, 67, 71, 75, 99, 107, 113, 157, 165, 215, 223, 237, 255, 269, 279, 283, 285, 291, 305, 381, 461, 471, 575, 597, 599, 673, 705, 725, 727, 991, 1079, 1081, 1093, 1111, 1165, 1187, 1237, 1413, 1505, 1593, 1807, 1809, 1821, 1889, 1909, 1919, 1941, 9005, 9007, 9017, 9033, 9069, 9073
- Councils: Council for Smarter Government, Vice Chair; Council for Lifelong Learning; Fiscal Responsibility Council
- Committees: Banking; General Government Appropriations
- GREEN, CAROLE**—75th District
- Sponsored: 521, 523, 1095, 1373, 1381, 1861, 1879, 1881
- Cosponsored: 13, 17, 21, 37, 45, 189, 193, 219, 247, 299, 315, 411, 489, 575, 591, 621, 649, 651, 725, 737, 991, 1003, 1005, 1039, 1043, 1077, 1089, 1145, 1175, 1177, 1371, 1689, 1747, 1799, 1953, 1955, 1957, 1959, 9003, 9005, 9007, 9017, 9033, 9069
- Local Bills: 1041
- Councils: Council for Healthy Communities
- Committees: Elder & Long-Term Care, Chair; Health & Human Services Appropriations; Information Technology; Rules, Ethics & Elections
- GREENSTEIN, RON L.**—95th District
- Sponsored: 19, 59, 79, 125, 127, 423, 1129, 1343, 1397, 1971
- Cosponsored: 9, 13, 23, 25, 37, 45, 47, 49, 51, 67, 71, 75, 113, 157, 223, 311, 313, 315, 437, 439, 457, 489, 507, 533, 551, 599, 617, 639, 651, 675, 679, 681, 687, 705, 715, 725, 727, 991, 1005, 1039, 1047, 1081, 1083, 1123, 1189, 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1325, 1327, 1367, 1467, 1481, 1505, 1593, 1601, 1603, 1605, 1689, 1807, 1809, 1821, 1837, 1839, 1841, 1847, 1889, 1909, 1919, 1941, 9005, 9007, 9017, 9033, 9069, 9073, 9097
- Councils: Fiscal Responsibility Council
- Committees: General Government Appropriations, Vice Chair; Business Regulation; Natural Resources & Environmental Protection; Workforce & Technical Skills
- HARIDOPOLOS, MIKE**—30th District
- Sponsored: 553, 595, 611, 1069, 1463
- Cosponsored: 3, 21, 37, 147, 251, 277, 295, 409, 411, 449, 453, 503, 529, 575, 623, 633, 651, 689, 701, 1039, 1077, 1083, 1111, 1251, 1603, 1689, 1889, 1943, 9003, 9005, 9007, 9017, 9033, 9069, 9073, 9097
- Local Bills: 1785
- Committees: Fiscal Policy & Resources, Vice Chair; Health Regulation; Utilities & Telecommunications
- HARPER, JAMES JR.**—84th District
- Sponsored: 49, 617, 1483
- Cosponsored: 51, 69, 129, 135, 457, 489, 507, 567, 619, 1131, 1159, 1257, 1259, 1335, 1337, 1421, 1505, 1539, 1541, 1555, 1889, 9005, 9017, 9033, 9069, 9073
- Local Bills: 609, 819, 857, 859, 861, 865
- Councils: Council for Competitive Commerce, Vice Chair; Council for Smarter Government
- Committees: Business Regulation; Economic Development & International Trade; Education Innovation
- HARRELL, GAYLE B.**—81st District
- Sponsored: 247, 485, 547, 797, 1015, 1153, 1561, 1663, 9019
- Cosponsored: 13, 17, 21, 159, 339, 411, 437, 489, 553, 567, 703, 715, 727, 809, 811, 991, 1003, 1005, 1039, 1043, 1045, 1109, 1175, 1187, 1193, 1197, 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1361, 1405, 1451, 1593, 1759, 1763, 1843, 1845, 1867, 1871, 1873, 1889, 1909, 1919, 1941, 1953, 1955, 1957, 1959, 9005, 9007, 9017, 9033, 9073, 9079
- Local Bills: 585
- Committees: General Government Appropriations; Health Regulation; Information Technology
- HARRINGTON, LINDSAY M.**—72nd District
- Sponsored: 93, 95, 131, 189, 765, 963, 1563, 1831, 1913, 1949, 1969, 1971
- Cosponsored: 17, 21, 37, 45, 113, 141, 267, 269, 271, 277, 371, 411, 421, 449, 489, 635, 637, 705, 1039, 1043, 1059, 1175, 1177, 1199, 1227, 1375, 1389, 1545, 1549, 1555, 1603, 9005, 9007, 9017, 9033, 9069, 9073
- Councils: Council for Lifelong Learning; Council for Ready Infrastructure; Fiscal Responsibility Council
- Committees: Natural Resources & Environmental Protection, Chair; Colleges & Universities
- HART, CHRIS IV**—57th District
- Sponsored: 633, 635, 637, 1047, 1241, 1443, 1625, 1759, 1763, 1811, 1845, 1953, 1955, 1957, 1959, 9033

- Cosponsored: 17, 189, 363, 411, 489, 541, 575, 649, 651, 1045, 1083, 1095, 1109, 1111, 1145, 1165, 1173, 1175, 1689, 9003, 9005, 9007, 9017, 9069, 9073, 9097
- Local Bills: 777, 851, 867, 885, 899, 911, 913
- Councils: Council for Ready Infrastructure
- Committees: Information Technology, Chair; Business Regulation; Rules, Ethics & Elections; Transportation & Economic Development Appropriations
- HENRIQUEZ, BOB—58th District**
- Sponsored: 223, 225, 227, 363, 515, 517, 645, 1179
- Cosponsored: 13, 35, 45, 67, 93, 113, 129, 157, 203, 263, 269, 345, 361, 427, 439, 489, 507, 551, 619, 621, 637, 639, 651, 675, 679, 715, 725, 751, 985, 1047, 1081, 1083, 1093, 1095, 1111, 1123, 1141, 1165, 1169, 1375, 1385, 1481, 1505, 1511, 1525, 1689, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 559, 777, 851, 867, 885, 895, 899, 911, 913
- Councils: Council for Lifelong Learning; Council for Ready Infrastructure
- Committees: Local Government & Veterans Affairs; Transportation & Economic Development Appropriations
- HEYMAN, SALLY A.—105th District**
- Sponsored: 5, 7, 11, 75, 355
- Cosponsored: 23, 25, 67, 147, 223, 247, 255, 301, 381, 419, 463, 465, 487, 489, 493, 523, 531, 535, 541, 617, 675, 687, 695, 697, 715, 737, 759, 987, 1003, 1055, 1095, 1133, 1165, 1169, 1173, 1375, 1419, 1425, 1505, 1511, 1603, 1671, 1681, 1705, 1747, 9005, 9007, 9017, 9033, 9069, 9073
- Councils: Council for Healthy Communities; Council for Ready Infrastructure
- Committees: Tourism, Vice Chair; Colleges & Universities; Crime Prevention, Corrections & Safety
- HOGAN, MIKE—13th District**
- Sponsored: 365, 475, 477, 791, 793, 1565, 1795, 9071, 9081
- Cosponsored: 17, 21, 65, 143, 169, 189, 203, 251, 267, 271, 329, 421, 449, 453, 483, 489, 497, 591, 595, 627, 687, 703, 827, 981, 993, 1005, 1039, 1043, 1085, 1145, 1165, 1169, 1199, 1439, 1485, 1777, 1889, 9005, 9007, 9017, 9069, 9073, 9097
- Local Bills: 897
- Committees: Health Promotion, Vice Chair; Claims; Congressional Redistricting; Utilities & Telecommunications
- HOLLOWAY, WILBERT—103rd District**
- Sponsored: 1025, 1029, 1199, 1331, 1333, 1417, 1493
- Cosponsored: 49, 51, 67, 175, 215, 255, 263, 269, 277, 285, 289, 301, 457, 471, 551, 619, 673, 725, 749, 985, 1043, 1059, 1081, 1091, 1093, 1095, 1165, 1173, 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1335, 1337, 1385, 1505, 1581, 1601, 1689, 1889, 1909, 1919, 1941, 9005, 9007, 9017, 9033, 9069, 9073
- Councils: Council for Ready Infrastructure
- Committees: General Government Appropriations; Transportation
- JENNINGS, EDWARD L. JR.—23rd District**
- Sponsored: 1045, 1109, 1467, 1551, 1601, 1605, 9085
- Cosponsored: 35, 49, 51, 79, 129, 263, 285, 301, 371, 439, 457, 489, 551, 577, 619, 673, 679, 727, 1043, 1093, 1095, 1153, 1237, 1377, 1689, 1845, 1889, 1953, 1955, 1957, 1959, 9005, 9007, 9017, 9033, 9069, 9073
- Committees: Business Regulation; Education Innovation; Information Technology; Senate Redistricting; Transportation & Economic Development Appropriations
- JOHNSON, RANDY—41st District**
- Sponsored: 345, 489, 571, 783, 1083, 1347, 1407, 1731, 1733, 1735, 1737, 1739, 1745, 1749, 1807, 1809, 1883, 9097
- Cosponsored: 21, 411, 531, 575, 591, 651, 757, 1035, 1043, 1077, 1111, 1533, 1535, 1543, 9005, 9007, 9013, 9017, 9033, 9069
- Councils: Fiscal Responsibility Council; Procedural & Redistricting Council
- Committees: Transportation & Economic Development Appropriations, Chair; Health Regulation; Utilities & Telecommunications
- JORDAN, STAN—17th District**
- Sponsored: 261, 313, 577, 1657
- Cosponsored: 17, 21, 67, 277, 409, 421, 465, 489, 993, 1039, 1045, 1047, 1059, 1099, 1109, 1145, 1169, 1545, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 903, 941
- Committees: Child & Family Security; Education Appropriations; Education Innovation; Transportation
- JOYNER, ARTHENIA L.—59th District**
- Sponsored: 263, 519, 619, 1093, 1385, 1387, 1475
- Cosponsored: 49, 51, 67, 129, 137, 215, 363, 411, 439, 483, 489, 505, 507, 637, 679, 687, 715, 809, 981, 985, 1007, 1045, 1109, 1119, 1165, 1211, 1213, 1245, 1251, 1355, 1581, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 559, 777, 851, 867, 885, 895, 899, 911, 913
- Committees: Health Promotion; Rules, Ethics & Elections; Transportation & Economic Development Appropriations; Utilities & Telecommunications
- JUSTICE, CHARLIE—53rd District**
- Sponsored: 733, 813, 985, 1013, 1141, 9027
- Cosponsored: 13, 23, 33, 67, 99, 129, 157, 183, 185, 203, 269, 279, 363, 365, 373, 409, 411, 439, 461, 483, 489, 545, 643, 651, 701, 715, 981, 987, 1055, 1095, 1123, 1165, 1169, 1355, 1369, 1371, 1419, 1505, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 559, 795
- Committees: Child & Family Security; Education Appropriations; General Education; Tourism
- KALLINGER, JIM—35th District**
- Sponsored: 353, 615, 1361, 1383, 1407, 1415, 1659
- Cosponsored: 21, 45, 61, 65, 67, 113, 269, 271, 279, 307, 411, 421, 465, 485, 489, 575, 591, 635, 797, 809, 1039, 1043, 1095, 1145, 1193, 1375, 1405, 1689, 1803, 1805, 1819, 1889, 1927, 1943, 9005, 9007, 9017, 9033, 9069, 9073
- Councils: Council for Ready Infrastructure
- Committees: Business Regulation, Vice Chair; Colleges & Universities; Insurance; Senate Redistricting
- KENDRICK, WILL S.—10th District**
- Sponsored: 963, 1123, 1147, 1217, 1449, 9079
- Cosponsored: 1, 23, 157, 175, 203, 361, 371, 449, 465, 489, 527, 591, 625, 651, 685, 687, 701, 719, 721, 727, 733, 749, 787, 991, 1043, 1083, 1085, 1095, 1153, 1169, 1199, 1227, 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317,

- 1319, 1321, 1411, 1505, 1551, 1601, 1605, 1807, 1809, 1821, 1889, 9003, 9005, 9007, 9017, 9033, 9069, 9073, 9097
- Local Bills: 229, 479, 847
- Councils: Council for Competitive Commerce; Fiscal Responsibility Council; Procedural & Redistricting Council
- Committees: Agriculture & Consumer Affairs, Vice Chair; General Government Appropriations; State Administration
- KILMER, BEV—7th District**
- Sponsored: 1, 249, 251, 591, 649, 1043, 1225, 1227, 1549, 1801
- Cosponsored: 17, 247, 269, 409, 489, 651, 703, 727, 991, 1077, 1095, 1111, 1151, 1175, 1419, 1421, 1485, 1533, 1535, 1539, 1541, 1689, 1773, 1889, 9003, 9005, 9007, 9017, 9021, 9033, 9069, 9073
- Councils: Council for Lifelong Learning; Procedural & Redistricting Council
- Committees: Colleges & Universities, Chair; Crime Prevention, Corrections & Safety; Economic Development & International Trade; House Redistricting
- KOSMAS, SUZANNE M.—28th District**
- Sponsored: 193, 195, 283, 333, 743, 1179, 1353
- Cosponsored: 35, 69, 133, 213, 381, 411, 439, 489, 681, 715, 733, 1083, 1095, 1165, 1505, 1807, 1809, 1821, 1889, 9005, 9007, 9017, 9033, 9069, 9073, 9097
- Local Bills: 891
- Councils: Council for Ready Infrastructure; Fiscal Responsibility Council
- Committees: Elder & Long-Term Care; Senate Redistricting; Utilities & Telecommunications
- KOTTKAMP, JEFFREY D.—74th District**
- Sponsored: 315, 731, 1057, 1175, 1177, 1547
- Cosponsored: 17, 21, 45, 67, 69, 95, 145, 189, 233, 267, 303, 411, 421, 489, 491, 545, 591, 685, 719, 947, 959, 1005, 1039, 1043, 1095, 1199, 1405, 1593, 1599, 1689, 9003, 9005, 9007, 9017, 9033, 9069, 9073
- Committees: Judicial Oversight, Vice Chair; Agriculture & Consumer Affairs; Claims; House Redistricting
- KRAVITZ, DICK—19th District**
- Sponsored: 267, 605, 1231, 1455, 1457, 1485
- Cosponsored: 13, 21, 25, 67, 119, 131, 143, 183, 185, 235, 277, 489, 545, 651, 695, 811, 993, 1145, 1165, 1169, 1371, 1401, 1403, 1405, 1529, 1689, 9001, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 897, 901, 941
- Committees: General Education, Vice Chair; Crime Prevention, Corrections & Safety; Natural Resources & Environmental Protection; Senate Redistricting
- KYLE, BRUCE—73rd District**
- Sponsored: 21, 411, 415, 417, 707, 951, 963, 1067, 1097, 1673, 1907, 1923
- Cosponsored: 17, 45, 371, 489, 649, 651, 759, 1005, 1175, 1231, 1689, 1943, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 413
- Councils: Council for Smarter Government; Procedural & Redistricting Council
- Committees: Business Regulation, Chair; Senate Redistricting, Co-Chair; Transportation
- LACASA, CARLOS A.—117th District**
- Sponsored: 269, 303, 467, 469, 471, 1567, 1569, 1713, 1807, 1809, 1931, 1933, 1947, 1977, 9067
- Cosponsored: 255, 459, 553, 705, 985, 1019, 1095, 1111, 1533, 1535, 1545, 1603, 1889, 9005, 9007, 9017, 9069, 9073
- Councils: Fiscal Responsibility Council, Chair; Procedural & Redistricting Council
- Committees: Senate Redistricting
- LEE, E. DENISE—15th District**
- Sponsored: 457, 993, 995, 1571
- Cosponsored: 49, 51, 67, 143, 285, 301, 307, 489, 673, 725, 749, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1315, 1317, 1319, 1321, 1409, 1467, 1805, 1819, 1889, 1927, 9005, 9007, 9017, 9069, 9073
- Local Bills: 881
- Committees: Child & Family Security; Claims; General Government Appropriations; Insurance; Senate Redistricting
- LERNER, CINDY—119th District**
- Sponsored: 177, 255, 425, 675, 677, 679, 715, 737, 1409, 1525, 1585
- Cosponsored: 7, 13, 35, 67, 69, 75, 85, 157, 159, 167, 269, 289, 317, 379, 381, 427, 471, 489, 531, 535, 577, 651, 685, 687, 1055, 1093, 1095, 1165, 1371, 1413, 1505, 1593, 1595, 9005, 9017, 9069, 9073
- Councils: Council for Healthy Communities
- Committees: Child & Family Security, Vice Chair; Agriculture & Consumer Affairs; Education Innovation
- LITTLEFIELD, KENNETH W.—61st District**
- Sponsored: 167, 169, 305, 997, 1249, 1885, 9031
- Cosponsored: 13, 25, 29, 37, 47, 65, 67, 79, 133, 149, 189, 223, 249, 277, 303, 363, 371, 409, 411, 449, 453, 489, 547, 563, 637, 649, 651, 705, 715, 751, 797, 809, 963, 985, 1005, 1039, 1043, 1089, 1095, 1119, 1169, 1371, 1481, 1747, 1889, 9005, 9017, 9033, 9069, 9073
- Local Bills: 777, 851, 867, 885, 895, 899, 911, 913
- Councils: Council for Healthy Communities; Council for Ready Infrastructure
- Committees: Health Promotion, Chair; Health & Human Services Appropriations; Utilities & Telecommunications
- LYNN, EVELYN J.—27th District**
- Sponsored: 141, 179, 181, 269, 279, 373, 415, 1145, 1399, 1533, 1535, 1545, 1807, 1809, 1813, 9035
- Cosponsored: 21, 25, 37, 119, 189, 199, 207, 247, 267, 277, 281, 337, 369, 409, 411, 475, 489, 531, 687, 987, 1059, 1083, 1095, 1193, 1253, 1409, 1485, 1509, 1549, 1777, 1821, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 287, 561
- Councils: Council for Healthy Communities; Council for Ready Infrastructure; Fiscal Responsibility Council
- Committees: Education Appropriations, Chair; Child & Family Security
- MACHEK, RICHARD A.—78th District**
- Sponsored: 175, 621, 963, 1019, 1021, 1023, 1491, 1577, 1779, 1781, 1971
- Cosponsored: 49, 67, 95, 129, 263, 339, 349, 361, 411, 427, 441, 489, 687, 705, 715, 985, 1005, 1039, 1055, 1123, 1227, 1251, 1355, 1389, 1505, 1511, 1603, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 877, 945
- Councils: Council for Smarter Government
- Committees: Natural Resources & Environmental Protection, Vice Chair; Elder & Long-Term Care; House Redistricting

MACK, CONNIE—91st District

Sponsored: 269, 599, 623, 695, 1077, 1159, 1259

Cosponsored: 17, 21, 251, 277, 293, 375, 459, 489, 529, 575, 637, 689, 1005, 1039, 1083, 1109, 1111, 1603, 1689, 1759, 1763, 1811, 1845, 1943, 1953, 1955, 1957, 1959, 9003, 9005, 9007, 9017, 9033, 9069, 9073, 9079, 9097

Committees: Information Technology, Vice Chair; Business Regulation; Education Innovation; Fiscal Policy & Resources; House Redistricting

MAHON, MARK—16th District

Sponsored: 539, 603, 1091, 1185, 1559, 1571, 1623, 4007

Cosponsored: 13, 17, 21, 37, 65, 69, 131, 143, 189, 203, 277, 421, 489, 545, 553, 605, 651, 715, 959, 993, 1039, 1083, 1095, 1145, 1175, 1409, 1421, 1439, 1539, 1541, 1689, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 607, 903

Councils: Council for Ready Infrastructure

Committees: Child & Family Security; Economic Development & International Trade; Rules, Ethics & Elections; Transportation & Economic Development Appropriations

MAYFIELD, STAN—80th District

Sponsored: 339, 351, 991, 1603

Cosponsored: 17, 21, 239, 273, 279, 411, 465, 489, 545, 691, 705, 749, 1035, 1059, 1083, 1091, 1111, 1187, 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1439, 1889, 1909, 1919, 1941, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 883, 929

Committees: Congressional Redistricting; General Government Appropriations; Health Promotion; Transportation

MAYGARDEN, JERRY LOUIS—2nd District

Sponsored: 187, 209, 211, 1419, 1727, 1741, 1753, 1807, 1809

Cosponsored: 17, 371, 489, 547, 591, 703, 1175, 1511, 1533, 1535, 1549, 1797, 1821, 1889, 1943, 9003, 9005, 9007, 9017, 9033, 9069, 9073, 9079

Local Bills: 919, 933, 935, 937, 939, 1815

Councils: Council for Ready Infrastructure; Fiscal Responsibility Council

Committees: Health & Human Services Appropriations, Chair; Senate Redistricting, Co-Chair

MCGRUFF, PERRY C. JR.—22nd District

Sponsored: 567, 751, 1169, 1325, 1327, 1515, 1517, 1971, 9095

Cosponsored: 49, 67, 79, 129, 307, 409, 443, 463, 465, 485, 617, 623, 679, 687, 715, 985, 1095, 1153, 1165, 1203, 1355, 1375, 1405, 1505, 1511, 1551, 1601, 1605, 1803, 1805, 1819, 1889, 9005, 9007, 9017, 9033, 9069, 9073, 9079

Committees: Colleges & Universities; Education Appropriations; Insurance; State Administration

MEADOWS, MATTHEW J.—94th District

Sponsored: 85, 87, 89, 91, 693, 753, 9065

Cosponsored: 13, 15, 43, 49, 51, 67, 71, 75, 99, 129, 157, 183, 185, 233, 255, 285, 409, 421, 457, 489, 551, 587, 639, 675, 679, 715, 727, 961, 993, 1005, 1039, 1093, 1225, 1335, 1421, 1481, 1505, 1525, 1539, 1541, 1601, 1689, 1889, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 711

Committees: Criminal Justice Appropriations, Vice Chair; Congressional Redistricting; Economic Development & International Trade; General Education; Local Government & Veterans Affairs

MEALOR, DAVID J.—34th District

Sponsored: 789, 989, 1203, 1349, 1403, 1407, 1661

Cosponsored: 17, 21, 45, 303, 409, 411, 465, 489, 577, 651, 703, 1005, 1039, 1047, 1145, 1375, 1451, 1549, 1759, 1763, 1811, 1845, 1889, 1953, 1955, 1957, 1959, 9003, 9005, 9007, 9017, 9033, 9069, 9073

Committees: Colleges & Universities; Education Appropriations; Information Technology; Local Government & Veterans Affairs

MELVIN, JERRY G.—4th District

Sponsored: 17, 269, 1765, 1767, 1769, 1771, 1773, 1775, 1797, 4011, 9021, 9025

Cosponsored: 23, 45, 61, 65, 79, 203, 267, 271, 277, 303, 307, 329, 339, 349, 409, 463, 465, 489, 491, 591, 615, 651, 655, 703, 723, 797, 809, 959, 1005, 1039, 1043, 1077, 1085, 1095, 1175, 1193, 1227, 1405, 1419, 1485, 1511, 1533, 1535, 1549, 1689, 1803, 1805, 1819, 1847, 1927, 1943, 9003, 9005, 9017, 9033, 9069, 9073

Local Bills: 887, 919, 933, 935, 937, 939, 979, 1815, 1887, 1897, 1903

Councils: Council for Lifelong Learning, Chair; Council for Smarter Government

Committees: Education Appropriations; Insurance; Judicial Oversight; Senate Redistricting

MILLER, JEFFERSON B.—1st District

Sponsored: 533, 1083, 1157, 1441, 1679, 1681, 1683, 9097

Cosponsored: 17, 37, 113, 189, 371, 449, 489, 591, 595, 633, 649, 651, 701, 705, 749, 751, 1005, 1039, 1047, 1077, 1199, 1227, 1419, 1549, 1689, 1773, 1797, 9003, 9005, 9007, 9017, 9025, 9033, 9069, 9073

Local Bills: 887, 919, 933, 935, 937, 939, 979, 1815, 1887, 1897

Councils: Council for Ready Infrastructure

Committees: Utilities & Telecommunications, Chair; Congressional Redistricting; General Government Appropriations; Rules, Ethics & Elections

MURMAN, SANDRA L.—56th District—(Speaker pro tempore)

Sponsored: 269, 307, 509, 651, 751, 809, 977, 983, 1073, 1145, 1189, 1261, 1431, 1439, 1451, 1543, 1747, 1777, 1807, 1809, 1821, 1971, 9049, 9053, 9061, 9077

Cosponsored: 13, 17, 21, 57, 73, 141, 159, 203, 215, 239, 247, 279, 303, 313, 363, 367, 369, 373, 379, 409, 411, 421, 437, 449, 453, 475, 489, 507, 547, 553, 637, 687, 703, 705, 715, 797, 951, 991, 1003, 1053, 1077, 1083, 1095, 1111, 1165, 1175, 1199, 1205, 1221, 1263, 1371, 1377, 1389, 1409, 1413, 1429, 1467, 1485, 1509, 1533, 1535, 1545, 1603, 1635, 1661, 1663, 1669, 1689, 1803, 1805, 1831, 1843, 1847, 1879, 1881, 1915, 1921, 1943, 1969, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 777, 851, 867, 885, 895, 899, 911, 913

Councils: Fiscal Responsibility Council, Vice Chair; Council for Healthy Communities

Committees: Congressional Redistricting, Vice Chair; Child & Family Security; Workforce & Technical Skills

NEEDELMAN, MITCH—31st District

Sponsored: 189, 649, 1055, 1063, 1065, 1359, 1395, 1447, 1793, 1967, 1971

Cosponsored: 17, 61, 267, 269, 329, 379, 409, 441, 465, 487, 489, 545, 591, 651, 701, 727, 759, 985, 1039, 1043, 1089, 1111, 1175, 1495, 1689, 1747, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 1115

Committees: Colleges & Universities; Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; House Redistricting; Natural Resources & Environmental Protection

NEGRON, JOE—82nd District

Sponsored: 271, 317, 803, 1075, 1451, 1593

Cosponsored: 17, 21, 61, 95, 159, 267, 277, 279, 307, 339, 411, 421, 449, 545, 553, 577, 651, 703, 797, 809, 1005, 1039, 1095, 1099, 1145, 1175, 1213, 1251, 1689, 1803, 1805, 1819, 1889, 1927, 1943, 9003, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 875

Committees: Criminal Justice Appropriations; Education Innovation; Elder & Long-Term Care; Insurance

PAUL, JERRY—71st District

Sponsored: 37, 449, 1001, 1003, 1005, 1039, 1669, 1971

Cosponsored: 13, 17, 21, 45, 47, 65, 67, 69, 95, 145, 147, 189, 203, 277, 409, 411, 421, 453, 489, 507, 545, 591, 595, 651, 963, 991, 1035, 1043, 1045, 1089, 1095, 1099, 1109, 1145, 1193, 1251, 1451, 1467, 1485, 1689, 9005, 9007, 9033, 9069, 9073, 9097

Local Bills: 1183

Committees: Claims; Criminal Justice Appropriations; Elder & Long-Term Care; Utilities & Telecommunications

PETERMAN, FRANK JR.—55th District

Sponsored: 555, 557, 1555, 1595, 1597, 9073

Cosponsored: 49, 51, 65, 67, 75, 129, 263, 285, 363, 457, 489, 617, 619, 637, 651, 673, 685, 687, 723, 1081, 1093, 1165, 1199, 1211, 1213, 1251, 1335, 1337, 1485, 1601, 1605, 9005, 9007, 9017, 9033, 9069

Local Bills: 559, 777, 851, 867, 885, 895, 899, 911, 913

Councils: Council for Competitive Commerce

Committees: Juvenile Justice; Natural Resources & Environmental Protection

PICKENS, JOE H.—21st District

Sponsored: 601, 963, 1085, 1087, 1225, 1401, 1411, 1747

Cosponsored: 17, 21, 137, 267, 277, 409, 421, 449, 465, 489, 491, 527, 651, 723, 991, 1005, 1039, 1123, 1151, 1169, 1175, 1193, 1203, 1227, 1389, 1421, 1539, 1541, 1689, 9005, 9007, 9017, 9033, 9073

Local Bills: 897

Committees: Economic Development & International Trade; Education Appropriations; General Education; Judicial Oversight

PRIEGUEZ, MANUEL—113th District

Sponsored: 67, 105, 107, 163, 235, 253, 453, 1421, 1539, 1541, 9067

Cosponsored: 17, 57, 71, 75, 159, 267, 289, 313, 329, 457, 471, 489, 551, 727, 809, 987, 1081, 1095, 1099, 1111, 1139, 1165, 1603, 1889, 9005, 9007, 9017, 9069, 9073

Local Bills: 81

Councils: Council for Competitive Commerce

Committees: Economic Development & International Trade, Chair; Health Promotion; House Redistricting; Transportation & Economic Development Appropriations

RICH, NAN H.—97th District

Sponsored: 35, 381, 535, 679, 1145, 1469, 1497, 1553, 1653, 9039

Cosponsored: 13, 23, 49, 67, 75, 85, 129, 167, 179, 183, 185, 193, 203, 279, 301, 483, 489, 549, 551, 575, 597, 599, 649, 687, 701, 715, 723, 791, 959, 985, 1081, 1093, 1095, 1165, 1237, 1245, 1251, 1371, 1409, 1413, 1427, 1485, 1505, 1593, 1689, 1843, 1889, 9005, 9017, 9033, 9069, 9073

Committees: Banking; Child & Family Security; General Education; Health & Human Services Appropriations

RICHARDSON, CURTIS B.—8th District

Sponsored: 139, 785, 787, 1609, 9069

Cosponsored: 1, 35, 49, 51, 129, 157, 183, 185, 263, 267, 409, 457, 459, 489, 567, 617, 619, 955, 991, 1003, 1093, 1141, 1211, 1225, 1227, 1251, 1385, 1505, 1511, 1525, 1601, 1605, 1689, 9005, 9007, 9017, 9033, 9073

Local Bills: 559

Councils: Council for Healthy Communities, Vice Chair

Committees: Education Appropriations; General Education; House Redistricting

RITTER, STACY J.—96th District

Sponsored: 165, 507, 611, 965, 1427, 1621, 1889, 1891, 1893

Cosponsored: 23, 35, 55, 67, 99, 113, 157, 427, 437, 453, 553, 599, 675, 679, 687, 705, 715, 727, 809, 1031, 1081, 1187, 1237, 1543, 1603, 1689, 1843, 1871, 1873, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 451, 829, 831, 833, 835, 837, 839, 841, 843, 845, 863, 869, 871, 905, 907, 915, 931, 1181

Councils: Council for Competitive Commerce; Council for Smarter Government; Procedural & Redistricting Council

Committees: Utilities & Telecommunications, Vice Chair; Health Regulation; Senate Redistricting

ROMEO, SARA—60th District

Sponsored: 683, 685, 687, 1165, 1591, 1645

Cosponsored: 35, 67, 69, 71, 79, 129, 157, 363, 411, 439, 483, 485, 489, 553, 575, 617, 637, 639, 651, 679, 715, 723, 797, 809, 959, 981, 985, 991, 1007, 1081, 1095, 1119, 1141, 1169, 1201, 1335, 1355, 1371, 1467, 1505, 1555, 1581, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 777, 851, 867, 885, 899, 911, 913

Committees: Banking; Congressional Redistricting; Health Promotion

ROSS, DENNIS A.—63rd District

Sponsored: 233, 273, 275, 507, 613, 767, 1135, 1589

Cosponsored: 17, 21, 37, 67, 113, 141, 307, 411, 637, 745, 809, 1005, 1039, 1099, 1145, 1175, 1187, 1263, 1405, 1481, 1485, 1803, 1805, 1819, 1889, 1927, 1943, 9003, 9005, 9007, 9017, 9033, 9069, 9073

Committees: Rules, Ethics & Elections, Vice Chair; Insurance; Judicial Oversight; Senate Redistricting

RUBIO, MARCO—111th District

Sponsored: 159, 201, 219, 239, 243, 295, 471, 541, 573, 771, 987, 1089, 1575, 9063, 9067

Cosponsored: 21, 69, 289, 303, 313, 489, 545, 553, 569, 591, 597, 727, 745, 959, 1003, 1005, 1019, 1039, 1043, 1095, 1099, 1111, 1193, 1251, 1405, 1689, 1867, 1889, 1943, 1987, 9005, 9007, 9017, 9033, 9069, 9073

Councils: Procedural & Redistricting Council

Committees: Claims, Chair; Banking; Health Regulation; Transportation & Economic Development Appropriations

RUSSELL, DAVID D. JR.—44th District

Sponsored: 83, 101, 103, 161, 489, 1053, 1487, 1617, 1829, 1875, 1905, 1971

Cosponsored: 17, 23, 67, 69, 133, 411, 441, 591, 1095, 1111, 1145, 1227, 1451, 1687, 1689, 9005, 9007, 9013, 9017, 9033, 9069, 9073, 9097

- Councils: Council for Ready Infrastructure
- Committees: Transportation, Chair; Elder & Long-Term Care; Transportation & Economic Development Appropriations
- RYAN, TIMOTHY M.—99th District**
- Sponsored: 151, 203, 291, 963, 1247, 1627
- Cosponsored: 17, 67, 361, 439, 453, 551, 651, 715, 723, 1237, 1355, 1689, 1807, 1809, 1821, 9005, 9007, 9017, 9033, 9069, 9073, 9097
- Local Bills: 709
- Councils: Fiscal Responsibility Council; Procedural & Redistricting Council
- Committees: Fiscal Policy & Resources; Judicial Oversight; Rules, Ethics & Elections; Utilities & Telecommunications
- SEILER, JOHN P.—92nd District**
- Sponsored: 237, 375, 643, 947, 1149
- Cosponsored: 67, 75, 137, 269, 439, 599, 639, 679, 715, 1095, 1141, 1169, 1177, 1187, 1237, 1603, 1689, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 1113
- Committees: Claims; Congressional Redistricting; Criminal Justice Appropriations; Judicial Oversight; Natural Resources & Environmental Protection
- SIMMONS, DAVID—37th District**
- Sponsored: 1391, 1407, 1435, 1513, 1521, 1529, 1599
- Cosponsored: 67, 353, 489, 545, 651, 809, 1005, 1039, 1145, 1485, 1689, 1803, 1805, 1819, 1927, 9005, 9007, 9017, 9033, 9069, 9073
- Councils: Procedural & Redistricting Council
- Committees: Insurance, Vice Chair; Elder & Long-Term Care; Rules, Ethics & Elections
- SIPLIN, GARY—39th District**
- Sponsored: 1167, 1211, 1213, 1251, 1407
- Cosponsored: 1, 13, 45, 49, 51, 69, 107, 157, 263, 285, 301, 429, 453, 459, 507, 595, 611, 621, 639, 673, 967, 985, 993, 1039, 1093, 1111, 1141, 1337, 1371, 1409, 1413, 1467, 1505, 1521, 1543, 1555, 1689, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 893
- Committees: Claims, Vice Chair; Fiscal Policy & Resources; Health Regulation; Utilities & Telecommunications
- SLOSBERG, IRVING L.—89th District**
- Sponsored: 67, 71, 153, 155, 239, 259, 577, 1033, 1053, 1523, 1525, 1527, 1637, 1685, 1687
- Cosponsored: 5, 17, 25, 29, 49, 69, 79, 157, 159, 175, 233, 285, 301, 311, 317, 321, 381, 421, 461, 483, 489, 525, 551, 553, 617, 639, 673, 693, 701, 723, 809, 993, 1007, 1059, 1095, 1165, 1197, 1347, 1439, 1505, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Committees: Health & Human Services Appropriations; Health Promotion; Transportation
- SMITH, CHRISTOPHER L.—93rd District**
- Sponsored: 51, 325, 445, 447, 1583, 1701
- Cosponsored: 35, 49, 75, 157, 203, 263, 285, 371, 457, 507, 599, 617, 619, 639, 673, 1093, 1095, 1211, 1213, 1237, 1251, 1385, 1505, 1525, 1555, 1593, 1889, 1987, 9005, 9007, 9017, 9033, 9069, 9073
- Local Bills: 191
- Councils: Council for Ready Infrastructure, Vice Chair; Procedural & Redistricting Council
- Committees: Education Appropriations; Rules, Ethics & Elections; Utilities & Telecommunications
- SOBEL, ELEANOR—100th District**
- Sponsored: 723, 725, 1081, 1201, 1499, 1791
- Cosponsored: 23, 25, 35, 67, 75, 79, 99, 159, 179, 193, 233, 301, 331, 381, 437, 457, 483, 507, 551, 553, 599, 651, 675, 677, 679, 685, 687, 695, 715, 797, 809, 981, 985, 1073, 1089, 1095, 1165, 1251, 1355, 1371, 1405, 1465, 1505, 1543, 1591, 1593, 1803, 1805, 1819, 1843, 1871, 1873, 1889, 1927, 9005, 9007, 9017, 9033, 9069, 9073, 9097
- Councils: Council for Healthy Communities; Procedural & Redistricting Council
- Committees: Health Regulation, Vice Chair; Health & Human Services Appropriations; Insurance
- SORENSEN, KEN—120th District**
- Sponsored: 43, 77, 289, 481, 773, 1161, 1827, 1911, 1929, 1971, 9067
- Cosponsored: 17, 21, 45, 55, 69, 245, 269, 279, 371, 471, 489, 705, 1039, 1043, 1095, 1197, 1481, 1603, 9005, 9017, 9033, 9069, 9073
- Local Bills: 115, 763, 1125
- Councils: Council for Smarter Government
- Committees: Local Government & Veterans Affairs, Chair; General Government Appropriations; Natural Resources & Environmental Protection
- SPRATT, JOSEPH R.—77th District**
- Sponsored: 371, 705, 963, 1227, 1393, 1449, 1645, 1877, 1915, 1917, 4013
- Cosponsored: 13, 17, 25, 43, 61, 95, 131, 175, 189, 203, 339, 361, 411, 449, 489, 591, 651, 695, 719, 721, 991, 1001, 1043, 1083, 1095, 1107, 1123, 1263, 1389, 1411, 1425, 1465, 1491, 1603, 1889, 9005, 9007, 9017, 9033, 9069, 9097
- Local Bills: 799, 943, 975
- Councils: Council for Competitive Commerce
- Committees: Agriculture & Consumer Affairs, Chair; Crime Prevention, Corrections & Safety; General Government Appropriations; House Redistricting
- STANSEL, DWIGHT—11th District**
- Sponsored: 335, 361, 717, 719, 721, 727, 963, 1449
- Cosponsored: 1, 17, 45, 189, 203, 371, 421, 465, 489, 527, 591, 649, 651, 685, 985, 1043, 1083, 1085, 1095, 1123, 1141, 1169, 1227, 1263, 1389, 1419, 1485, 1505, 1889, 9003, 9005, 9007, 9017, 9033, 9069, 9073, 9079, 9097
- Councils: Council for Ready Infrastructure
- Committees: Education Appropriations, Vice Chair; Agriculture & Consumer Affairs; Crime Prevention, Corrections & Safety; Rules, Ethics & Elections
- TROVILLION, ALLEN—36th District**
- Sponsored: 61, 63, 65, 97, 113, 199, 1033, 1173, 1407, 1419
- Cosponsored: 17, 21, 45, 67, 289, 345, 387, 393, 465, 489, 553, 575, 987, 1005, 1039, 1095, 1133, 1151, 1237, 1375, 1889, 9005, 9007, 9017, 9033, 9069, 9073
- Councils: Council for Competitive Commerce
- Committees: Tourism, Chair; Colleges & Universities; Criminal Justice Appropriations
- WALLACE, ROB—47th District**
- Sponsored: 73, 323, 443, 527, 529, 689, 1961, 1963, 1965, 1973, 1975, 1979, 1981, 1983

Cosponsored: 17, 65, 277, 363, 489, 547, 591, 1043, 1151, 1369, 1511, 1533, 1535, 1811, 1845, 1943, 1953, 1955, 1957, 1959, 9003, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 559, 777, 851, 867, 885, 899, 913

Councils: Fiscal Responsibility Council

Committees: Fiscal Policy & Resources, Chair; Information Technology; Workforce & Technical Skills

WATERS, LESLIE—51st District

Sponsored: 265, 291, 457, 681, 1511, 1699, 1803, 1805, 1819, 1927, 9037

Cosponsored: 17, 21, 47, 55, 159, 247, 269, 271, 279, 303, 409, 411, 489, 523, 633, 637, 651, 809, 1003, 1083, 1095, 1141, 1369, 1375, 1515, 1533, 1535, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 559, 927, 1191

Councils: Council for Competitive Commerce; Procedural & Redistricting Council

Committees: Insurance, Chair; Colleges & Universities; Elder & Long-Term Care

WEISSMAN, MARK—90th District

Sponsored: 99, 157, 233, 285, 317, 327, 639, 727, 1095, 1171, 1237, 1505, 1525, 1697

Cosponsored: 23, 25, 35, 49, 67, 71, 147, 277, 301, 439, 507, 551, 577, 617, 621, 679, 685, 687, 715, 725, 985, 991, 1043, 1081, 1167, 1187, 1213, 1251, 1601, 1689, 1889, 9005, 9007, 9017, 9033, 9069, 9073

Committees: Elder & Long-Term Care, Vice Chair; Education Innovation; Fiscal Policy & Resources; House Redistricting

WILES, DOUG—20th District

Sponsored: 439, 461, 483, 733, 985, 1179, 1465, 9001, 9041, 9083

Cosponsored: 47, 67, 69, 93, 99, 119, 129, 267, 279, 301, 307, 339, 361, 411, 441, 465, 489, 643, 651, 701, 973, 1095, 1141, 1157, 1165, 1203, 1505, 1509, 1515, 1673, 1803, 1805, 1819, 1845, 9005, 9007, 9017, 9033, 9069, 9073

Local Bills: 891, 897

Councils: Council for Lifelong Learning; Fiscal Responsibility Council; Procedural & Redistricting Council

Committees: Insurance; Transportation & Economic Development Appropriations

WILSON, FREDERICA S.—104th District

Sponsored: 285, 301, 543, 647, 673, 1345

Cosponsored: 49, 51, 67, 129, 255, 267, 269, 279, 381, 439, 457, 471, 489, 551, 723, 725, 985, 1047, 1081, 1095, 1165, 1211, 1213, 1251, 1335, 1337, 1421, 1505, 1525, 1539, 1541, 1581, 1603, 1889, 9033, 9069, 9073

Local Bills: 559

Councils: Council for Lifelong Learning, Vice Chair; Fiscal Responsibility Council

Committees: Crime Prevention, Corrections & Safety; Economic Development & International Trade; House Redistricting

WISHNER, ROGER B.—98th District

Sponsored: 1091, 1187, 1445, 1481, 1665, 1667

Cosponsored: 67, 75, 79, 157, 301, 327, 409, 437, 439, 489, 651, 727, 953, 985, 1165, 1203, 1547, 1603, 1689, 1759, 1819, 1843, 1867, 1871, 1873, 1889, 9005, 9007, 9017, 9069, 9073

Committees: Congressional Redistricting; Health Regulation; Transportation; Transportation & Economic Development Appropriations

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[Source: Legislative Information Services Division, Office of Legislative Services]

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COUNCIL FOR COMPETITIVE COMMERCE

Council Substitutes: 83, 103, 157, 213, 333, 379, 521, 991, 1219, 1389, 1541, 1803, 1805, 1927

Council Substitutes For Substitutes: 107, 247, 681, 719, 721, 809

COUNCIL FOR HEALTHY COMMUNITIES

Council Substitutes: 85, 131, 141, 147, 245, 475, 997, 1133, 1403, 1425, 1895

Council Substitutes For Substitutes: 617

COUNCIL FOR LIFELONG LEARNING

Council Substitutes: 1, 271, 277, 409, 443, 1199, 1511

Council Substitutes For Substitutes: 267, 269, 303, 1193, 1509, 1533, 1661

COUNCIL FOR READY INFRASTRUCTURE

Council Substitutes: 589, 1263, 1437, 1489, 1763

Council Substitutes For Substitutes: 453, 807, 1053

COUNCIL FOR SMARTER GOVERNMENT

Council Bills: 1985

Council Substitutes: 5, 73, 113, 137, 211, 367, 415, 501, 1189, 1397, 1829, 1835

Council Substitutes For Substitutes: 109, 167, 411, 615, 1121

FISCAL RESPONSIBILITY COUNCIL

Council Bills: 1707, 1709, 1711, 1713, 1715, 1717, 1719, 1721, 1723, 1725, 1727, 1729, 1731, 1733, 1735, 1737, 1739, 1741, 1743, 1745, 1749, 1751, 1753, 1761, 1807, 1809, 1813, 1817, 1821, 1825, 1931, 1933, 1947, 1977

Council Substitutes: 55, 347, 563, 1879

Council Substitutes For Substitutes: 503

PROCEDURAL & REDISTRICTING COUNCIL

Council Bills: 1935, 1937, 1939, 1987

Council Substitutes: 1921, 1925

Council Substitutes For Substitutes: 273

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AGRICULTURE & CONSUMER AFFAIRS

Committee Bills: 1449, 1877, 1915, 1917, 4013

Committee Substitutes: 255, 355, 685, 717, 719, 721

BANKING

Committee Substitutes: 107, 109, 455

BUSINESS REGULATION

Committee Bills: 707, 1907, 1923

Committee Substitutes: 187, 541, 547

CHILD & FAMILY SECURITY

Committee Bills: 1703, 1799

Committee Substitutes: 179, 1073, 1145

CLAIMS

Committee Substitutes: 795

COLLEGES & UNIVERSITIES

Committee Bills: 1801

Committee Substitutes: 281, 463, 487, 523, 1369, 1375, 1509, 1533

Committee Substitutes For Substitutes: 111

CRIME PREVENTION, CORRECTIONS & SAFETY

Committee Bills: 759, 951, 953, 1395, 1705, 1747, 1967

Committee Substitutes: 3, 11, 67, 175, 249, 497, 697, 735, 1231, 1529, 1765

ECONOMIC DEVELOPMENT & INTERNATIONAL TRADE

Committee Bills: 1421, 1539, 1541

EDUCATION APPROPRIATIONS

Committee Bills: 1545

Committee Substitutes: 269, 279

EDUCATION INNOVATION

Committee Substitutes: 135, 303, 357, 481, 517, 1257, 1361, 1495, 1633, 1661

ELDER & LONG-TERM CARE

Committee Bills: 1861, 1879, 1881

Committee Substitutes: 605, 793

FISCAL POLICY & RESOURCES

Committee Bills: 1961, 1963, 1965, 1973, 1975, 1979, 1981, 1983

Committee Substitutes: 527, 979, 1363, 1889, 1891, 1893

GENERAL EDUCATION

Committee Substitutes: 183, 185, 1015, 1193, 1405, 1561

GENERAL GOVERNMENT APPROPRIATIONS

Committee Bills: 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1837, 1839, 1841, 1909, 1919, 1941

HEALTH PROMOTION

Committee Bills: 1885

Committee Substitutes: 133, 715 (1355)

HEALTH REGULATION

Committee Bills: 1543, 1843, 1863, 1867, 1871, 1873, 1895

Committee Substitutes: 87, 331, 437, 771, 813, 1819

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Committee Bills: 1759, 1763, 1811, 1845, 1953, 1955, 1957, 1959

Committee Substitutes: 203, 293, 789, 1045, 1109

Committee Substitutes For Substitutes: 179

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Committee Bills: 1803, 1805, 1819, 1927

Committee Substitutes: 247, 309, 747, 767, 809, 1101, 1103, 1227, 1253, 1393, 1699

JUDICIAL OVERSIGHT

Committee Bills: 1823, 1833, 1835, 1853, 1865, 1869

Committee Substitutes: 119, 167, 199, 411, 471

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Committee Substitutes: 267, 617

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Committee Substitutes: 215, 341, 359, 365, 459, 503, 515, 615, 623, 681, 1095, 1131, 1385, 1701

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Committee Bills: 1419

Committee Substitutes: 337, 591, 987

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Committee Bills: 1829, 1875, 1905

Committee Substitutes: 79, 93, 239, 257, 807, 1053

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Committee Bills: 1889, 1891, 1893

Committee Substitutes: 371, 453, 687, 699, 949

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CS/CS/HB 113	Driver's License Suspension/DUI Test	Committee on Judiciary; Committee on Transportation; Wise	6/6/00	Died in council
HB 2145	Appropriations (specific appropriation veto)	Committee on General Appropriations; Pruitt and others	5/30/00	Died in council
HB 2179	School District Revenue	Lacasa	5/30/00	Died in council
2001 Regular Session Vetoed House Bills				
HB 863	North Springs Improvement District	Ritter	5/31/01	
HB 931	Coral Springs Improvement District	Ritter	6/8/01	
CS/CS/HB 1053	Transportation	Council for Ready Infrastructure; Committee on Transportation; Russell; Slosberg and others	6/14/01	
HB 1225	Economic Development (specific appropriation veto)	Pickens and others	6/9/01	
HB 1519	Clearinghouse on Disability Information	Berfield	6/7/01	
HB 1717	Dairy Industry Division	Fiscal Responsibility Council; Dockery	6/19/01	
2001 Regular Session Vetoed Senate Bills				
SB 330	H. Lee Moffit Cancer Center	Sullivan and others	6/1/01	
SB 510	Basic Life Support Service/Licensure	Burt; King	6/15/01	
CS/CS/SB 792	Health Care Administration Agency (specific appropriation veto)	Committee on Appropriations; Committee on Health, Aging and Long-Term Care; Silver	5/31/01	
CS/SB 800	Disposition of Traffic Fines	Committee on Finance and Taxation; Silver	6/15/01	
CS/CS/SB 856	Florida Infant Crib Safety Act	Committee on Commerce and Economic Opportunities; Committee on Agriculture and Consumer Services; Wasserman Schultz and others	6/19/01	

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CS/SB 1018	Young Children/Learning Gateway	Committee on Education; Pruitt and Crist	5/31/01	
SB 1020	Non-Ad Valorem Assessments	Rossin	6/1/01	
CS/SB 1128	Access to Medical Treatment Act	Committee on Health, Aging and Long-Term Care; Latvala	6/6/01	
SB 1412	Child Safety Booster Seat Act	Posey	6/15/01	
SB 2000	Appropriations (specific appropriation veto)	Committee on Appropriations	6/15/01	

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[Source: Legislative Information Services Division, Office of Legislative Services]

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(**Boldfaced bill numbers passed both houses; boldfaced one-house resolutions were adopted. Chapter number added if entry remains in final version of bill. Some entries shown may have been deleted from final version.**)

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House Bills, Resolutions, and Memorials by Number, Subject, Sponsor, and Disposition

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Page numbers in boldfaced print indicate location of roll call votes on disposition.

Abbreviations:

CCRFH	Failed to pass House as amended by Conference Committee Report	FPS	Failed to pass Senate
CCRFH	Failed to pass Senate as amended by Conference Committee Report	HB	House Bill
CH	Chapter number, as passed	HCR	House Concurrent Resolution
CS	Committee or Council Substitute	HJR	House Joint Resolution
CSP	Companion or similar bill passed	HM	House Memorial
DCC	Died in Conference Committee	HR	House Resolution
DCH	Died on House Calendar	IPH	Indefinitely postponed in House
DCS	Died on Senate Calendar	IPS	Indefinitely postponed in Senate
DH	Died in House	LTH	Laid on table in House
DHC	Died in House committee or council	LTS	Laid on table in Senate
DIRH	Died, introduction refused in House	SB	Senate Bill
DM	Died in Messages	SCR	Senate Concurrent Resolution
DNI	Died, not introduced	SJR	Senate Joint Resolution
DPR	Died, pending review of CS under Rule 6.3	SM	Senate Memorial
DRDH	Died, reference deferred in House	SR	Senate Resolution
DSC	Died in Senate committee	UHC	Unfavorable report by House committee or council
ECH	Enacting or resolving clause stricken in House	USC	Unfavorable report by Senate committee
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To obtain the number of a bill, see the subject matter index preceding this index.
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Abbreviations:

CCRFH	Failed to pass House as amended by Conference Committee Report	FPH	Failed to pass House
CCRFS	Failed to pass Senate as amended by Conference Committee Report	HB	House Bill
CH	Chapter number, as passed	HCR	House Concurrent Resolution
CS	Committee or Council Substitute	HJR	House Joint Resolution
CSP	Companion or similar bill passed	HM	House Memorial
DCC	Died in Conference Committee	IPH	Indefinitely postponed in House
DCH	Died on House Calendar	IPS	Indefinitely postponed in Senate
DCS	Died on Senate Calendar	LTH	Laid on table in House
DHC	Died in House committee or council	LTS	Laid on table in Senate
DM	Died in Messages	SB	Senate Bill
DRDH	Died, reference deferred in House	SCR	Senate Concurrent Resolution
ECH	Enacting or resolving clause stricken in House	SJR	Senate Joint Resolution
ECS	Enacting or resolving clause stricken in Senate	SM	Senate Memorial
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